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**DRAWING(S):**

The drawings in the application are accepted. There are no drawing amendments attached.

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#### REMARKS – General

The applicant has corrected a typographical error on page 1 of previously submitted Amendment B as follows: “~~Thus the~~ In the United States Patent and Trademark Office”.

The applicant has made no drawing amendments.

The applicant has canceled claims 11 to 20, 26, 28, 30, 31, 33, 34, and 36-38. The applicant has currently amended claims 24, 25, 27, 29, 32, and 35 to define the claims more distinctly and to overcome the technical objections and rejections. The applicant has added 15 new claims. The new claims 39 to 53 contain no new matter, and the recited elements are derived from the applicant's specification.

The above currently amended claims and new claims are submitted to be patentable over the art of record for the following reasons.

#### Re: O.A. “Response to Arguments”

The Office Action stated at #1: “Applicant's arguments filed 12-25-10 have been fully considered but they are not persuasive. Applicant has claimed that the prior art, Martinez et al. (7,519,576) do not show a dictionary feature. Martinez et al. clearly show in the Abstract that a dictionary or thesaurus could be used. The following rejections still exist:”.

The applicant discusses Martinez's Abstract and a dictionary below at reason #1 under the heading of “The Rejection of Independent Claim 24 on Martinez Overcome Under § 102”. The applicant thanks the Examiner for the non-final O.A. and respectfully submits the new reasons as discussed under § 112, § 102 and § 103.

#### The Claim Rejections Under 35 USC § 112

The O.A. stated:

“1. The following is a quotation of the second paragraph of 35 U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-20 and 24-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 11, “presented conveniently” is vague and indefinite. In regard to claims 17 and 32, “with respect to the intended audience” is vague and indefinite. In regard to claim 24, “fast and convenient process” is vague and indefinite. This

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also seems to be an intended use. In regard to claims 31 and 38, “a source that is extemporaneous” is vague and indefinite.”

**The Rejection of Claims 11-20 Under § 112**

The O.A. rejected claims 11-20 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 11-20 are in canceled status.

**The Rejection of Independent Claim 24 Overcome Under § 112**

The O.A. rejected independent claim 24 under 35 U.S.C. 112, second paragraph, as being vague and indefinite in regards to “fast and convenient process”. The O.A. further stated “This also seems to be an intended use.”

The applicant agrees with the Examiner. Claim 24 recites:

“A process of providing dictionary content for a word, comprising:

- (a) using a computer,
- (b) having a word displayed on a screen,
- (c) providing a pop up digital space on said screen,
- (d) providing a dictionary element for said word on said screen,
- (e) providing a means for said pop up digital space to present said dictionary element for said word when a cursor is placed over said word,

whereby the dictionary content is presented in a fast and convenient process for computer users.”

Claim 24 is currently amended in the following ways with the accompanying reasons:

1. The “fast” in the whereby clause is deleted after “presented in a” and replaced with “simple” to use the literal terms from applicant’s specification, and to make claim 24 clear and precise under § 112, second paragraph.
2. The “process” in the whereby clause is deleted after “convenient” and replaced with “manner” to use the literal terms from applicant’s specification, and to make claim 24 clear and precise under § 112, second paragraph.
3. The “using” in line (a) is deleted before “a computer” and replaced with “providing” to make claim 24 clear and logical because “providing” precedes a hardware feature in a process claim under § 112.

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4. The "having" in line (b) is deleted before "a word displayed" and replaced with "presenting" to make claim 24 clear and precise under § 112, second paragraph.
5. The "providing" in line (c) is deleted before "a pop up digital space" and replaced with "implementing" to make claim 24 clear and logical because "a pop up digital space" is not a hardware feature in the process claim under § 112.
6. The "providing" in line (d) is deleted before "a dictionary element" and replaced with "utilizing" to make claim 24 clear and logical because "a dictionary element" is not a hardware feature in the process claim under § 112.
7. The "and" in line (d) is added after "on said screen," to make claim 24 clear, precise and logical because "a dictionary element" is not a hardware feature in the process claim under § 112.
8. The "providing" in line (e) is deleted before "a means" and replaced with "displaying" to make claim 24 clear and logical because "a means for said pop up digital space" is not a hardware feature in the process claim under § 112.
9. The phrase "a means for" in line (e) is deleted before "said pop up digital space" to make claim 24 clear, precise and logical under § 112, second paragraph, and because a means clause must recite a function, rather than specific hardware.
10. The "for said word" in line (e) is deleted after "said dictionary element" to make claim 24 clear and precise under § 112, second paragraph, and to eliminate prolixity.
11. The phrase "on said screen" in line (e) is added before "when a cursor" to make claim 24 clear, precise and logical under § 112, second paragraph.

Thus claim 24, as currently amended, now recites

"A process of providing dictionary content for a word, comprising:

- (a) using providing a computer,
- (b) ~~having~~ presenting a word displayed on a screen,
- (c) ~~providing~~ implementing a pop up digital space on said screen,
- (d) ~~providing~~ utilizing a dictionary element for said word on said screen, and
- (e) ~~providing~~ displaying ~~a means for~~ said pop up digital space to present said dictionary element ~~for said word~~ on said screen when a cursor is placed over said word,

whereby the dictionary content is presented in a fast simple and convenient ~~process~~ manner for



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computer users.”

The applicant submits that claim 24 is currently amended to distinctly claim the subject matter, and to make the claim clear and understandable. No new matter has been added and the added subject matter is supported in the applicant’s specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended independent claim 24 under 35 U.S.C. § 112.

**The Rejection of Dependent Claim 25 Overcome Under § 112**

The O.A. rejected claim 25 under 35 U.S.C. 112, paragraph, as being indefinite.

The applicant agrees with the Examiner regarding claim 25. Claim 25 recites

“The process of Claim 24 wherein said dictionary element is a definition presented in said pop up digital space.”

Claim 25 is currently amended in the following ways with the accompanying reasons:

1. The “displaying” is added after “wherein” to make claim 25 clear, precise and logical under § 112, second paragraph, and because a gerund is required to start a dependent process claim under § 112.
2. The “is” is deleted after “said dictionary element” and replaced with “that includes” to make claim 25 clear, precise and logical under § 112, second paragraph.

Thus claim 25, as currently amended, now recites

“The process of Claim 24 wherein displaying said dictionary element ~~[[is]]~~ that includes a definition presented in said pop up digital space.”

The applicant submits that claim 25 is currently amended to distinctly claim the subject matter, and to make the claims clear and understandable. No new matter has been added and the added subject matter is supported in the applicant’s specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended claim 25 under 35 U.S.C. § 112.

**The Rejection of Dependent Claim 26 Under § 112**

The O.A. rejected claim 26 under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 26 is in canceled status.

**The Rejection of Dependent Claim 27 Overcome Under § 112**

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The O.A. rejected claim 27 under 35 U.S.C. 112, second paragraph, as being indefinite.

The applicant agrees with the Examiner regarding claim 27. Claim 27 recites

“The process of Claim 24 further including said pop up digital space presents an image that includes at least a digital video when said cursor is placed over said word.”

Claim 27 is currently amended in the following ways with the accompanying reasons:

1. The “displaying” is added after “further including” to make claim 27 clear, precise and logical under § 112, second paragraph, and because a gerund is required to start a dependent process claim under § 112.
2. The “an image that includes at least a digital” is deleted after “pop up digital space presents” and replaced with “a” to make claim 27 clear and logical under § 112, second paragraph, and to broaden the claim in concise language and eliminate prolixity under § 112.

Thus claim 27, as currently amended, now recites

“The process of Claim 24 further including displaying said pop up digital space presents ~~an image that includes at least a digital~~ a video when said cursor is placed over said word.”

The applicant submits that claim 27 is currently amended to distinctly claim the subject matter, and to make the claims clear and understandable. No new matter has been added and the added subject matter is supported in the applicant’s specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended claim 27 under 35 U.S.C. § 112.

#### **The Rejection of Dependent Claim 28 Under § 112**

The O.A. rejected claim 28 under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 28 is in canceled status.

#### **The Rejection of Dependent Claim 29 Overcome Under § 112**

The O.A. rejected claim 29 under 35 U.S.C. 112, second paragraph, as being indefinite.

The applicant agrees with the Examiner regarding claim 29. Claim 29 recites

“The process of Claim 24 further including said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted.”

Claim 29 is currently amended in the following ways with the accompanying reasons:

1. The “further including” is deleted after “of Claim 24” and replaced with “wherein” to make claim 29 clear, precise and logical under § 112, second paragraph.

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2. The “having” is added after “wherein,” to make claim 29 clear, precise and logical under § 112, second paragraph, and because a gerund is required to start a dependent process claim under § 112.

Thus claim 29, as currently amended, now recites

“The process of Claim 24 ~~further including~~ wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted.”

The applicant submits that claim 29 is currently amended to distinctly claim the subject matter, and to make the claims clear and understandable. No new matter has been added and the added subject matter is supported in the applicant’s specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended claim 29 under 35 U.S.C. § 112.

**The Rejection of Dependent Claims 30-31 Under § 112**

The O.A. rejected claims 30-31 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 30-31 are in canceled status.

**The Rejection of Dependent Claim 32 Overcome Under § 112**

The O.A. rejected claim 32 under 35 U.S.C. 112, second paragraph, as being vague and indefinite in regards to “with respect to the intended audience”.

The applicant agrees part way with the Examiner regarding claim 32. The applicant respectfully points out that the element “an intended audience” is written in applicant’s specification as well as, for example, throughout U.S. government communications. Regarding federal grants at [www.grants.gov](http://www.grants.gov), the instructions for the Executive Summary are: “Please summarize the proposed project in the space below. Please describe the project activity or phases, **the intended audience**, the project milestones, and the intended results. The summary should be a maximum of two pages.”

Claim 32 recites

“The process of Claim 24 further including said dictionary element is presented with respect to the intended audience.”

Claim 32 is currently amended in the following way with the accompanying reasons:

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1. The “further including” is deleted after “of Claim 24” and replaced with “wherein” to make claim 32 clear, precise and logical under § 112, second paragraph.
2. The “showing” is added after “wherein,” to make claim 32 clear, precise and logical under § 112, second paragraph, and because a gerund is required to start a dependent process claim under § 112.
3. The antecedent “the” is deleted before “intended audience” and replaced with the proper antecedent “an” to make claim 32 clear and precise under § 112, second paragraph.

Thus claim 32, as currently amended, now recites

“The process of Claim 24 ~~further including~~ wherein showing said dictionary element is presented with respect to [[the]] an intended audience.”

The applicant submits that claim 32 is currently amended to distinctly claim the subject matter, and to make the claims clear and understandable. No new matter has been added and the added subject matter is supported in the applicant’s specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended claim 32 under 35 U.S.C. § 112.

#### **The Rejection of Claims 33-34 Under § 112**

The O.A. rejected claims 33-34 under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 33-34 are in canceled status.

#### **The Rejection of Claim 35 Overcome Under § 112**

The O.A. rejected claim 35 under 35 U.S.C. 112, second paragraph, as being indefinite.

The applicant agrees with the Examiner regarding claim 35. Claim 35 recites

“The process of Claim 24 further including presenting a language used in said pop up digital space is different from the language of said word.”

Claim 35 is currently amended in the following ways with the accompanying reasons:

1. The “further including” is deleted after “of Claim 24” and replaced with “wherein” to make claim 35 clear, precise and logical under § 112.
2. The “presenting” is added after “wherein,” to make claim 35 clear, precise and logical under § 112, second paragraph, and because a gerund is required to start a dependent process claim under § 112.

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3. The “that” is added before “is different from the language of said word” to make claim 35 clear and precise under § 112, second paragraph.

Thus claim 35, as currently amended, now recites

“The process of Claim 24 ~~further including~~ wherein presenting a language used in said pop up digital space that is different from the language of said word.”

The applicant submits that claim 35 is currently amended to distinctly claim the subject matter, and to make the claims clear and understandable. No new matter has been added and the added subject matter is supported in the applicant’s specification. The applicant requests reconsideration.

Therefore, the applicant solicits allowance of currently amended claim 35 under 35 U.S.C. § 112.

**The Rejection of Claims 36-38 Under § 112**

The O.A. rejected claims 36-38 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 36-38 are in canceled status.

**The Rejection of Claims 11-18,24-34,37, and 38 on Martinez et al. Under § 102**

The O.A. stated at #4: “Claims 11-18,24-34,37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573).”

In regard to claims 11-18,24-34,37, and 38, Martinez et al. show a method with a means for conveniently providing dictionary elements and other relevant elements of a word or phrase for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 210), whereby the dictionary elements for said word or phrase are presented in pop up digital spaces when said cursor is placed over said word or phrase in said text (Fig. 4), wherein said dictionary elements includes a definition presented in said pop up digital spaces (col. 1, In 15-30, Fig. 4, item 710, claim 3), wherein said pop up digital spaces presents various images that includes digital video when said cursor is placed over said word or phrase in said text (claim 4), wherein said pop up digital spaces are menu driven and utilize the drag and selection methods of said cursor to select various choices in the menus (menu usage, col. 1, In 40-55), wherein the dictionary elements that present more than one meaning of said word or phrase, the intended contextual meaning of said word or phrase can be highlighted or otherwise distinguished (Fig. 8, item 810), further including said dictionary elements presented in said pop

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up digital spaces are from a sources that includes published works (thesaurus and dictionary, claims 2 and 3), wherein said dictionary elements are to be used judiciously (Fig. 5), wherein said pop up digital spaces can present a plurality of said pop up digital spaces (Fig. 13), further including various images presented in said pop up digital spaces that are from a sources that includes professional works (claims 2-4), further including a computer machine that evolved to present said dictionary elements for said word or phrase in said pop up digital spaces (Fig. 13), wherein said cursor includes a mouse click selection method or touchscreen selection method (col. 5, In 30-35).”

**A Review of Applicant's Application:**

The applicant provides at least one pop up digital space containing a dictionary entry for a word in a text in a fast and convenient manner. The pop up digital space appears when a computer cursor is placed over the word. The dictionary entry includes and is not limited to syllable breaks, pronunciations, parts of speech, senses, definitions, synonyms, antonyms, variants, usages, quotations, idioms, homographs, prefixes, suffixes, example sentences, and etymologies. Multimedia imagery can be presented such as photographs, drawings, paintings, maps, illustrations, films, videos, claymation, stop action, and animations. Such multimedia is intended to help users to better understand a word or a phrase.

**A Review of the Reference of Martinez:**

Martinez et al. (hereinafter Martinez) provides a mechanism, called a recursive search process, for thoroughly searching a target item in a database, and displaying the similar items for a user to select and replace the target item.

On a main application the recursive search process begins at a cursor's position and a target item is identified. A database is searched for items similar to the target item. An indicator near the target item shows the existence of the items similar. A user may click for access to display the items similar in a pop-up window. In response to a command for replacement, a user clicks on a similar item to replace the target item in the main application. The main application may be a word processor, text editor, drawing software, drafting software, purchasing software, or some other application. Any one of the items similar displayed in the pop-up window may then become a target item. The invention describes a recursive annotation function, a recursive pop-up display function, and a function for placing an order to buy an item.

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### **The Rejection of Claims 11-18 Under § 102**

The O.A. stated at #4: "Claims 11-18, 24-34, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573).

As mentioned, claims 11 to 18 are in canceled status.

### **The Rejection of Independent Claim 24 on Martinez Overcome Under § 102**

The O.A. stated, regarding applicant's claim 24, "Martinez et al. show a method with a means for conveniently providing dictionary elements and other relevant elements of a word or phrase for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 210), whereby the dictionary elements for said word or phrase are presented in pop up digital spaces when said cursor is placed over said word or phrase in said text (Fig. 4),".

Instead currently amended independent claim 24 recites in clean copy form:

"A process of providing dictionary content for a word, comprising:

- (a) providing a computer,
- (b) presenting a word displayed on a screen,
- (c) implementing a pop up digital space on said screen,
- (d) utilizing a dictionary element for said word on said screen, and
- (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,

whereby the dictionary content is presented in a simple and convenient manner for computer users.

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading "A Review of the reference of Martinez:".

The applicant respectfully disagrees that Martinez describes claim 24 for the following reason:

1. The O.A. stated at #1: "...Martinez et al. clearly show in the Abstract that a dictionary or thesaurus could be used."

Martinez describes in his abstract section, "This might involve inserting a word into text with a word processor, the items may be words, and the database may be a thesaurus or dictionary, for example."

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Martinez describes that his database is or may be a dictionary 6 other times as follows:

Martinez's claim 3 recites "and said database is a dictionary", his claim 13 recites "and the database may be a thesaurus or dictionary", his claim 20 recites "and said database is a dictionary", his claim 30 recites "and said database is a dictionary", he describes at (col. 2, In 50-51), "and the database may be a thesaurus or dictionary," and he describes at (col. 6, In 9-10), "Database 1030 may be a thesaurus or dictionary,".

Martinez mentions a "reverse electronic dictionary" which is discussed below in reason #3.

Claim 24 is novel over Martinez due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

Martinez and his 7 descriptions regarding **a database is or may be a dictionary are not arranged** as required by claim 24. Claim 24 recites "(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,".

Thus claim 24 recites novel physical features that distinguish over Martinez.

2. The O.A. stated "In regard to claims...24... Martinez et al: show a method with a means for conveniently providing dictionary element and other relevant elements of a word for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 210), whereby the dictionary element for said word are presented in pop up digital spaces when said cursor is placed over said word in said text (Fig. 4).".

The applicant respectfully points out that the O.A. stated, "a method with a means for conveniently providing dictionary element and other relevant elements of a word for computer users, comprising:". Instead claim 24 recites "A process of providing dictionary content for a word, comprising:".

Martinez shows in his (Fig. 1, item 110), a "processor".

Martinez shows in his (Fig. 2, item 210), a "print".

Martinez shows in his (Fig. 4), a "target item" 410 of "print", a "in a pop-up window" 420, and a "similar items" 430 that are "copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp".



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Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and". Claim 24 is novel over Martinez's Fig. 1, Fig. 2, and Fig. 4 that show his **"similar items"** to the **"target item"**. This is because claim 24 and its **"a dictionary element for said word"** distinguishes over Martinez and his **"items"** that are merely **"similar to the target item"**.

Thus claim 24 recites a novel physical feature that distinguishes over Martinez from the aforementioned O.A. statement.

**The Additional Novel Reasons of Claim 24 Over Martinez Under § 102:** The applicant submits claim 24 is novel over Martinez for the following additional reasons:

3. Martinez describes at (col. 1, In 26-30), "Another example is U.S. Pat. No. 5,649,221 (Crawford, et al., Jul. 15, 1997), which discloses a "reverse electronic dictionary," the user enters one or more search words which are thought to exist in the definition of the word that is sought."

a. Claim 24 and its "(c) implementing a pop up digital **space** on said screen," is novel over Crawford et al. (hereinafter Crawford) because Crawford does **not** describe a "pop up digital space" anywhere in his invention.

b. Claim 24 and its "(d) utilizing a **dictionary element** for said word on said screen, and" is novel over Crawford and his **"reverse electronic dictionary"**.

c. Claim 24 is novel over Crawford due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

Since Crawford does **not** describe a "pop up digital space" of claim 24, his invention of a **"reverse electronic dictionary"** is **not arranged** as required by the claim. Claim 24 recites "(e) displaying said pop up digital space to present said **dictionary element** on said screen when a cursor is placed over said word,".

Thus claim 24 recites novel physical features that distinguish over Martinez and his reference of Crawford.

4. Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and".

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Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 24 is novel over Martinez because the claim's "dictionary element for said word" has the preposition "**for**" which means "**with respect to**" (said word).

Instead Martinez describes "items similar to the target item" that has the preposition "**to**" which **does not** mean "**with respect to**" (the target item). Hence Martinez and his "items similar to the target item" is less about its "target item" than claim 24 and its "dictionary element for said word".

Claim 24 and its "dictionary element for said word" is all about "said word", since as mentioned, the "**for**" means "with respect to" (said word).

Thus claim 24 is novel and distinguishes over Martinez.

5. Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and".

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 24 is novel over Martinez and his "**items similar to said target item**". This is because claim 24 and its "**a dictionary element for said word**" distinguishes over Martinez and his "**items**" that are merely "**similar to the target item**".

Thus claim 24 recites novel physical features that distinguish over Martinez.

6. Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and".

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 24 and its "**dictionary element for said word**" is novel over Martinez and his "**items similar to said target item**". This is because claim 24 and its "**dictionary element**" is a **direct** meaning for a word that distinguishes over Martinez and his "**items**" that are merely "**similar to the target item**".

Thus claim 24 recites a novel physical feature that distinguishes over Martinez.

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**Therefore** from the reasons discussed, the applicant submits that claim 24 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Claim 24 Produces New and Unexpected Results and Hence is Unobvious and Patentable Over Martinez Under § 103**

The applicant submits that the novel physical features of currently amended claim 24 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Martinez, or any combination thereof.

Currently amended independent claim 24 recites in clean copy form:

"A process of providing dictionary content for a word, comprising:

- (a) providing a computer,
- (b) presenting a word displayed on a screen,
- (c) implementing a pop up digital space on said screen,
- (d) utilizing a dictionary element for said word on said screen, and
- (e) displaying said pop up digital space to present said dictionary

element on said screen when a cursor is placed over said word, whereby the dictionary content is presented in a simple and convenient manner for computer users."

The new and unexpected results that flow from the novel physical features of claim 24 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 24 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target

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item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements.

Thus claim 24 is simpler than Martinez without loss of capability. Claim 24 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Obviation of a Specific Disadvantage of an Existing Invention:** Martinez teaches at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Martinez and the "**items similar to the target item**" is a specific disadvantage of his invention in light of claim 24.

Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and". Claim 24 and its "for said word" has the preposition "**for**" which means "**with respect to**" (said word).

Since Martinez teaches the "items similar to the target item", it has the preposition "**to**". The preposition "**to**" **does not** mean "**with respect to**" (the target item). The specific disadvantage of Martinez is that his "items similar to the target item" is less about its "target item" than claim 24 and its "dictionary element **for** said word".

Claim 24 and its "dictionary element **for** said word" is all about "said word" because the "**for**" means "with respect to" (said word). This is an important advantage of claim 24 that is different than Martinez. Thus claim 24 overcomes a specific disadvantage of Martinez.

**3. Cost:** Claim 24 is likely to be cheaper to build per se than Martinez because the claim is a pure process. The low cost to build of claim 24 is demonstrated in working models made by low cost software. The software retails for \$450 and is called "PowerPoint® 2007" which is part of the "Microsoft® Office Small Business 2007" suite containing 5 other programs.

The low cost result of claim 24 is different than Martinez because Martinez teaches machine parts from the title of his claims 28 to 37 of a "computer readable storage medium", and a "computer-usable medium". In addition Martinez's invention has numerous parts, steps and functions as discussed in the above subheading "1. Omission of Elements: ". Thus Martinez's machine part and numerous elements are likely many times more costly to build than the pure process of claim 24.

## 24

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**4. Speed:** Claim 24 is able to do a job faster than Martinez because the claim recites “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Claim 24 requires the fast step of simply placing a cursor over a word to present its dictionary element. Claim 24 is a benefit because its speed advantage is important in computer innovations. The speed result of claim 24 is different than Martinez. Martinez recites 2 steps in his independent claim 1 to display his similar items, and at least 1 more step such as for replacement. His independent claims 11, 18, and 28 also recite the same steps as independent claim 1.

Claim 1 of Martinez recites “A computer-implemented method of providing access to a database, said method comprising: providing a recursive search process that includes a-d below: a. **responsive** to a cursor's position, identifying a target item; b. searching a database for items similar to said target item; c. providing an indicator, near said target item's position, to show the existence of similar items in said database; and d. **responsive** to a command for access, providing access to said similar items; applying, to a first item in a main application, said recursive search process, **wherein any one of said similar items may become said target item** for said recursive search process; and **responsive** to a command for replacement, replacing said first item with an item from said database.”

Although Martinez's at least 2 user action steps do not take a long time, it is significant compared to claim 24. The speed result of claim 24 is demonstrated in working models in which simply placing a cursor over a word is all that is required.

**5. Ease of Use:** Claim 24 is easier to learn and use than Martinez because the claim recites “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Claim 24 shows an ease of use because it requires simply placing a cursor over a word to present a dictionary element. This ease of use advantage of claim 24 is especially important for a computer innovation because it enables a computer user to use the computer more facilely, and this counts a great deal.

The ease of use result of claim 24 is different than Martinez because his invention is significantly harder to learn and use. Martinez, for example, requires the learning to use of his numerous parts, steps and functions like the complicated recursive search process, recursive annotation function, and recursive pop-up display function. The numerous elements of Martinez are

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discussed in the above subheading "1. Omission of Elements:". Thus claim 24 has an ease of use result over Martinez. The ease of use of claim 24 is demonstrated in working models in which simply placing a cursor over a word is all that is required.

**6. Ease of Production:** Claim 24 per se and its pure process is easier and cheaper to produce than Martinez. The ease of production of claim 24 is demonstrated in working models made by basic software. In contrast Martinez teaches machine parts called a "computer readable storage medium" from the title of his claims 28 to 37, and a "computer-usable medium". Martinez has numerous parts, steps and functions as discussed in the above subheading "1. Omission of Elements:". Also Martinez teaches complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function that needs significant programming to produce. Thus the ease of production result of claim 24 is different than the significantly more difficult to produce invention of Martinez.

**7. Novelty:** Claim 24 has novelty results over Martinez because the claim recites "(d) utilizing a dictionary element for said word on said screen, and (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,". Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 24 is different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 24 and its "pop up digital space to present said dictionary element" is novel over Martinez and his database that is or may be a dictionary. In addition claim 24 and its "dictionary element for said word" is novel over Martinez and his "items similar to the target item". In addition claim 24 and its "dictionary element for said word on said screen" is novel over Martinez and his "items similar to the target item". Thus claim 24 has novelty results over Martinez.

**8. Convenience/Mechanization:** Claim 24 makes living easier and more convenient because the claim recites "(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,". Claim 24 is more convenient than Martinez because the claim simply requires the single computerized step of placing a cursor over a word to present the dictionary element.

Instead Martinez's at least 2 user action steps make his invention much less convenient than claim 24. In addition Martinez requires numerous parts, steps and functions that take much more

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time to use that is not convenient. The numerous element of Martinez are discussed in the above subheading "1. Omission of Elements: ". In addition Martinez teaches complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function that provides complicated mechanization results. Martinez's complicated mechanization results are different than claim 24 and its simple and single mechanization step result. Thus claim 24 provides significant convenience and mechanization results over Martinez.

**9. Social Benefit:** Claim 24 has greater social benefits than Martinez because the claim provides important educational results. Claim 24 and its "dictionary element for said word" have more educational value than Martinez and his significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 24 is different than Martinez.

**10. Ecology:** Claim 24 has great potential to provide ecology benefits because it does not emphasize or require the printing of paper. Paper is from organic matter, in most cases from trees, which are a limited and important natural resource. Claim 24 produces pop up digital spaces to present dictionary elements on a computer screen, and is a pure process. The ecology result of claim 24 is critical and different than Martinez because he teaches the use of printers, the print function, as well as producing machine parts called a "computer readable storage medium" and a "computer-usable medium". Thus the production of machine parts and the print functions of Martinez create significantly more stress on the ecology than the pure process of claim 24.

**11. Salability:** Claim 24 is easier to sell and market than Martinez because the claim recites "(d) utilizing a dictionary element for said word on said screen, and". The "dictionary element for said word" of claim 24 is common and meets the everyday needs of people. The salability of claim 24 is evident because products and services using the claim are already selling on the market. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B.

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Further claim 24 and its "dictionary element for said word" has more educational value than Martinez and his significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the salability result of claim 24 is different than Martinez.

**12. Precision:** Claim 24 provides greater precision than Martinez. Claim 24 and its "dictionary element for said word" has significantly more precise information than Martinez's items that are merely "similar" to the target item.

**13. Market Size:** Claim 24 likely has a significantly larger market size than Martinez. Claim 24 and its "dictionary element for said word" has educational value, is common to many people and meets the everyday needs of the market. Instead Martinez teaches his significantly less educational and less useful "items similar to the target item". This because a user of Martinez needs to already understand the not very educational "items similar" in order to use one to replace the target item. In addition products and services using claim 24 are already selling on the market. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. Thus the market size result of claim 24 is different than Martinez.

**14. Potential Competition:** Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and". Claim 24 is demonstrated in working models that were so simple and easy that it took about 2 hours to produce, with standard software and a laptop computer. Claim 24 is so simple and common to the everyday needs of people that, as a result many imitators and copiers are likely to attempt to copy it, and design around it, and try to break the patent as soon as it is brought out. The potential competition result of claim 24 is different than Martinez because his invention has the significantly less useful "items similar to the target item". Martinez is significantly harder to produce with his machine parts called a "computer readable storage medium" and "computer-usable medium" and his complicated functions like the recursive search process, recursive annotation function, and recursive pop-up display function. Thus Martinez is not likely to be imitated or copied by potential competition.



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**15. Quality:** Claim 24 and its “dictionary element for said word” has significantly higher quality than Martinez and his items that are **merely** “similar” to the target item. Thus claim 24 has a quality result over Martinez.

**16. Long Life Cycle:** Claim 24 has a potentially long life cycle that can be made and sold for many years because its “dictionary element for said word” is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the significantly less useful and less promising “items similar to the target item”. Thus the long life cycle result of claim 24 is different than Martinez.

**17. Satisfies Existing Need:** Claim 24 recites “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”.

Claim 24 will satisfy an existing, recognized need because it produces “said dictionary element” for a word in a simple, convenient, and unique process. The looking up of dictionary elements for a word, even with prior art computer dictionaries, remains a relatively time consuming, inconvenient, and boring task. Claim 24 and its dictionary element presented in a pop up digital space appear virtually instantaneously when a cursor is placed over a word. Martinez does not satisfy this existing need of claim 24 because he instead provides the significantly slower, less convenient, and not very useful “items similar to the target item”. Thus the existing need result of claim 24 is different than Martinez.

**18. Development:** Claim 24 recites “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Claim 24 per se is already designed for the market because its lean structure and pure process for providing a dictionary element will not require significant development. The development result of claim 24 is demonstrated in working models that took about 2 hours to produce. The models were developed using standard low cost software, a laptop computer, and a few techniques.

The development result of claim 24 is different than Martinez. Martinez requires machine parts called “computer readable storage medium”, “computer-usable medium”, and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs significant additional programming and appearance work. The numerous elements of Martinez are discussed in the above

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subheading "1. Omission of Elements: ". Thus Martinez is different than claim 24 because his invention requires significantly more development.

**19. Operability:** Claim 24 per se and its pure process will work readily as demonstrated by working models made by basic inexpensive software. Products and services using claim 24 are already selling on the market. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The ready operability result of claim 24 is different than Martinez. Martinez teaches machine parts called a "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez likely has a significantly less ready operability result than claim 24.

**20. Profitability:** Claim 24 likely is easy to sell at a profit or at an acceptable price level because its lean structure and pure process requires no expensive and difficult development tooling or expensive exotic materials to build. Claim 24 is demonstrated in working models made by basic inexpensive software. The profitability result of claim 24 is different than Martinez because he requires expensive tooling to produce his machine parts called "computer readable storage medium", "computer-usable medium" as well as numerous other elements to build that are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez likely has a significantly less profitability result than claim 24.

**21. Inertia Need Not Be Overcome:** Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and". Potential manufacturers, users, and sellers of claim 24 will not manifest inertia because products and services using the claim are already selling on the market. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The inertia result of claim 24 is different than Martinez because his "items similar to the target item" is significantly less useful and likely must overcome significant inertia.

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**22. Minimal Learning Required:** People will have to undergo minimal or no learning in order to use claim 24 because the claim recites “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Simply placing a cursor over a word of claim 24 is a strong advantage because it requires minimal or no learning to get a dictionary element. Instead Martinez requires learning the intricacies of the lookup functions, recursive search process, recursive annotation function, and recursive pop-up display function. In addition Martinez requires numerous other parts, steps and functions that take significant learning to use. The numerous elements of Martinez are discussed in the above subheading “1. Omission of Elements: “. Claim 24 is demonstrated in working models in which simply placing a cursor over a word is all that is required. Thus the minimal or no learning result of claim 24 is different than Martinez.

**23. Easy to Promote:** Claim 24 recites “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. As of the applicant's filing date, claim 24 solves the omnipresent problem of the slow, time consuming, and often boring task of looking up dictionary elements for a word, even in prior art computer dictionaries. In addition claim 24 per se with its fast, pure process, high visibility, and educational advantages makes it cheap and easy to market, and these are clear advantages. The easy to promote results of claim 24 are different than Martinez. Martinez's “items similar to the target item” is slower, more expensive, and significantly less educational and less useful than claim 24. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez is likely harder to promote than claim 24.

**24. Presence of Market:** Claim 24 recites “(d) utilizing a dictionary element for said word on said screen, and”. Claim 24 has a market that already exists because computers are ubiquitous and popular machines and its dictionary element for a word have an everyday usefulness. The presence of market of claim 24 is evident because products and services using the claim are already selling on the market. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company was attached with the Rule 132 declaration that was submitted with Amendment B. The presence of market result of claim 24 is different than

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Martinez because his "items similar to the target item" is significantly less useful and likely has a much smaller presence of market.

**25. Prototype Availability:** Claim 24 has prototypes available and demonstrated in working models. The prototypes of claim 24 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**26. Broad Patent Coverage Available:** Claim 24 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 24 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 24 performs the unique functions of "(d) utilizing a dictionary element for said word on said screen, and (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,". Martinez does **not** teach claim 24 anywhere in his invention. Instead Martinez provides the unique and significantly less useful "items similar to the target item". Thus the likely broad patent coverage result of claim 24 is different than Martinez.

**27. High Sales Anticipated:** Claim 24 per se can anticipate a high sales volume because its lean structure and process for providing a "dictionary element for said word" is very educational, useful, convenient, cheap to produce, and easy to market. Claim 24 is common and meets the everyday needs of people. The high sales anticipated result of claim 24 is evident because products and services using the claim are already selling in high volumes. The companies using claim 24 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales volumes from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. Claim 24 is different than Martinez because his "items similar to the target item" is complex, less convenient, expensive to produce, significantly less educational and less useful, and is therefore harder to market. Thus Martinez likely does not have the high sales anticipated result of claim 24.

**28. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 24 likely will appeal to young people because the claim is very useful for young people to learn about a word. Claim 24 provides "a dictionary element for said word" in a

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simple and convenient manner that helps the learning experience. Claim 24 is important for the purposes of learning and education. Claim 24 is valuable because higher education is often a priority of young people.

Claim 24 will likely command more sales of the youth market than the significantly less educational and less useful "items similar to the target item" of Martinez. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 24 is different than Martinez.

**29. Unexpected Results:** The results achieved by claim 24 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its "dictionary element for said word" is presented in a pop up digital space by simply placing a cursor over a word. Claim 24 and its unexpected results did not exist as of the applicant's filing date. Martinez does **not** teach the unexpected results of claim 24.

**30. Crowded Art:** Claim 24 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 24 provides the small step forward of presenting a dictionary element in a pop up digital space when a cursor is simply placed over a word. This is a small step forward in the crowded art. Martinez provides the different small step forward of displaying the unique "items similar to the target item" in the crowded art.

**31. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 24. Claim 24 recites "(d) utilizing a dictionary element for said word on said screen, and (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word." Martinez does **not** teach claim 24 and its "dictionary element for said word". Instead Martinez teaches that a database is or may be a dictionary. In addition Martinez teaches the different and significantly less useful "items similar to the target item". Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 24.

**32. Unappreciated Advantage:** Martinez and those skilled in the art never appreciated the advantages of claim 24 as of the applicant's filing date, although it is inherent. Claim 24 provides the advantages of presenting a "dictionary element for said word" in a unique process that is fast, convenient and educational. Instead Martinez teaches providing the different and

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significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus claim 24 has unappreciated advantages not taught by Martinez and the prior art.

**33. Poor Reference:** Martinez is a poor reference to claim 24. This is because Martinez and his database is or may be a dictionary is vague, foreign and conflicting to claim 24 and it’s “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Further Martinez’s “items similar to the target item” are vague, foreign and conflicting to claim 24 and it’s “dictionary element for said word”. Thus Martinez is a weak reference to claim 24 and should be construed narrowly.

**34. Lack of Implementation:** Claim 24 recites “(d) utilizing a dictionary element for said word on said screen, and (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Claim 24 provides a “dictionary element for said word” in a process that is fast, convenient and educational. If claim 24 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant’s filing date. The fact that Martinez and those skilled in the art have not implemented claim 24, despite its great advantages, indicates that it is not obvious.

**35. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez teaches that his database is or may be a dictionary, and teaches his “items similar to the target item”. Martinez does **not** teach claim 24 and its different “(d) utilizing a dictionary element for said word on said screen, and”. Martinez does **not** teach claim 24 and its different “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Thus Martinez is a misunderstood reference of claim 24.

**36. Solution of Long-Felt and Unsolved Need:** Claim 24 solves a long felt, long existing, but unsolved need. The long existing need claim 24 addresses was not previously solved. Claim 24 presents its “dictionary element for said word” in a unique, fast and convenient process. Claim 24 provides a solution to an educational need that is common and meets the everyday needs of people. Instead Martinez solves the different need of providing the unique and significantly less

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educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement.

**37. Contrarian Invention:** Claim 24 is contrary to the teachings of Martinez. Claim 24 and its “(d) utilizing a dictionary element for said word on said screen, and (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,” goes against the grain of what Martinez teaches. Instead Martinez teaches his database is or may be a dictionary that is contrary to claim 24.

Further claim 24 and its educational “dictionary element for said word” goes against the grain of Martinez. Instead Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus claim 24 has contrarian results over Martinez.

**38. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. Martinez clearly does **not** teach claim 24 and its “(e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Instead Martinez teaches that his database is or may be a dictionary. In addition Martinez does **not** teach claims 24 and its “(d) utilizing a dictionary element for said word on said screen, and”. Claim 24 and its “dictionary element for said word” provide an educational result and has an everyday usefulness that is different than Martinez. Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez is a strained interpretation in regards to claim 24.

**39. Solved Different Problem:** Claim 24 solves a different problem than Martinez, and such different problem is recited in the claim of: “(d) utilizing a dictionary element for said word on said screen, and (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word,”. Claim 24 solves an educational problem by presenting a dictionary element for a word in a fast, simple and convenient manner. Instead Martinez solves the problem of providing the significantly less educational, less useful and

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different result of “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 24.

**40. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 24 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected and educational results in claim 24 of “(d) utilizing a dictionary element for said word on said screen, and (e) displaying said pop up digital space to present said dictionary element on said screen when a cursor is placed over said word.”. Instead Martinez teaches that his database is or may be a dictionary. In addition Martinez teaches providing the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement.

**From the reasons discussed,** the applicant submits that independent claim 24 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly, the applicant submits that independent claim 24 is allowable over Martinez and solicits reconsideration and allowance.

**The Rejection of Dependent Claim 25 on Martinez Overcome Under § 102**

The O.A. stated, regarding applicant’s claim 25, “Martinez et al. show a method... wherein said dictionary elements includes a definition presented in said pop up digital spaces (col. 1, In 15-30, Fig. 4, item 710, claim 3).”.

Instead currently amended claim 25 recites in clean copy form: “The process of Claim 24 wherein displaying said dictionary element that includes a definition presented in said pop up digital space.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”.

The reasons that claim 25 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of “The Rejection of Independent Claim 24 on Martinez Overcome Under § 102”.

The applicant respectfully disagrees that Martinez describes claim 25 for the following reasons:



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1. The O.A. stated "(col. 1, In 15-30...)" from which Martinez describes, "Examples include U.S. Pat. No. 6,209,006 (**Medl, et al.**, Mar. 27, 2001), which relates to the use of hyperlinks that enable recall of help functions. "Elements of a user interface for an application program are predefined as help functions by the programmer or developer . . . . Upon selection of a highlighted hyperlinked element, a help window appears providing definitions, functional instructions, etc."

Claim 25 recites "dictionary element that includes a definition presented in said pop up digital space." Claim 25 is novel over Medl et al. (hereinafter Medl) because he does **not** describe a "**dictionary**" and a "**dictionary element**" of the claim anywhere in his invention.

Thus claim 25 recites novel physical features that distinguish over Martinez and his reference of Medl.

2. The O.A. stated "(col. 1, In 15-30...)" from which Martinez describes, "Another example is U.S. Pat. No. 6,233,571 (**Egger, et al.**, May 15, 2001), which relates to computerized research tools for locating legal opinions, patents and related documents, and how relationships among such documents may be detected and displayed."

Claim 25 recites "dictionary element that includes a definition presented in said pop up digital space,"

a. Claim 25 is novel over Egger et al. (hereinafter Egger) because he does **not** describe a "**dictionary**" and a "**dictionary element**" of the claim anywhere in his invention.

b. Egger describes "A preferred **definition** of F.sub.N is as follows: where D.sub.N is a damping factor that decreases rapidly as N increases." Claim 25 is novel over Egger because his "definition" is **not** a dictionary element, but instead is an algorithm created by Egger.

Thus claim 25 recites novel physical features that distinguish over Martinez and his reference of Egger.

3. The O.A. stated, regarding (col. 1, In 15-30...) in which Martinez describes, "Another example is U.S. Pat. No. 5,649,221 (**Crawford, et al.**, Jul. 15, 1997), which discloses a "reverse electronic dictionary;" the user enters one or more search words which are thought to exist in the definition of the word that is sought."

a. Claim 25 and its "**pop up digital space**" is novel over Crawford et al. (hereinafter Crawford) because he does **not** describe a "**pop up digital space**" anywhere in his invention.

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b. Claim 25 and its “**dictionary element**” is novel over Crawford and his “**reverse electronic dictionary**”.

c. Claim 25 is novel over Crawford due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

Crawford does **not** describe a “pop up digital space” of claim 25, and in addition he describes a “**reverse electronic dictionary**”. As a result Crawford’s invention is **not arranged** as required by claim 25. Claim 25 recites “wherein displaying said dictionary element that includes a definition presented in said pop up digital space.”

Thus claim 25 recites novel physical features that distinguish over Martinez and his reference of Crawford.

4. The O.A. stated, regarding Martinez of “(...Fig. 4...)”.

Martinez shows in his (Fig. 4), a “similar items” 430, a “target item” 410 of “print”, and “in a pop-up window” 420.

Claim 25 and its “dictionary element that includes a **definition** presented in said pop up digital space” is novel over Martinez and his “**similar items**”. This is because claim 25 and its definition distinguish over Martinez and his “**items**” that are **merely “similar to the target item”**. Thus claim 25 recites novel physical features that distinguish over Martinez and his Fig. 4.

5. The O.A. stated, regarding Martinez of “(...item 710...)”.

Martinez shows in his item 710 the **similar items** of “representation, image, likeness, resemblance, semblance, similitude, simulacrum, fair copy, faithful copy, certified copy”.

Claim 25 and its “dictionary element that includes a **definition** presented in said pop up digital space” is novel over Martinez and his item 710. This is because the claim and its definition distinguish over Martinez and his item 710 which show the **merely** similar items.

Thus claim 25 recites novel physical features that distinguish over Martinez and his item 710.

6. The O.A. stated, regarding Martinez of “(...claim 3)”.

**Martinez recites** in his claim 3: “The computer-implemented method of claim 1, wherein: said items are words; and said **database is a dictionary**.”

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- a. Claim 25 and its “dictionary element that includes a **definition** presented in said **pop up digital space**.” is novel over Martinez and his claim 3.” This is because Martinez in his claim 3 does **not** recite the “**definition**” or a “**pop up digital space**” of claim 25.
- b. Claim 25 is novel over Martinez and his claim 3 due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

Martinez and his claim 3 of “wherein: said items are words; and said **database is a dictionary**” are **not arranged** as required by claim 25. Claim 25 recites “wherein displaying said **dictionary element** that includes a **definition** presented in said **pop up digital space**”.

Thus claim 25 recites novel physical features that distinguish over Martinez and his claim 3.

**Therefore** from the reasons discussed, the applicant submits that claim 25 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

#### **Dependent Claim 25 Is A Fortiori Patentable Over Martinez**

Currently amended dependent claim 25 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 25 incorporates all the limitations of independent claim 24, claim 25 is patentable for the same reasons given with respect to claim 24. Claim 25 is even more patentable because it adds an additional element.

Currently amended claim 25 recites in clean copy form: “The process of Claim 24 wherein displaying said dictionary element that includes a definition presented in said pop up digital space.”

The new and unexpected results that flow from the novel physical features of claim 25 are discussed in the following reasons:

1. **Omission of Elements:** The numerous elements of Martinez that are omitted in claim 25 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation “click”, the replacement of the target item, on analyzing the

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context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 25 is simpler than Martinez without loss of capability. Claim 25 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 25 has novelty results over Martinez because the claim recites "said dictionary element that includes a definition presented in said pop up digital space." Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 25 are different than Martinez and all previously known counterparts as of the applicant's filing date. Claim 25 and its "said dictionary element" is novel over Martinez and his database that is or may be a dictionary.

In addition Martinez does **not** teach claim 25 and it's "a definition presented in said pop up digital space" anywhere in his invention. Instead Martinez teaches items that are **merely** "similar" to the target item. Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus claim 25 has novelty results over Martinez and Medl.

**3. Social Benefit:** Claim 25 has greater social benefits than Martinez because the claim provides important educational results. Claim 25 and its "said dictionary element that includes a definition presented in said pop up digital space" has more educational value than Martinez and his significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus the social benefit result of claim 25 is different than Martinez and Medl.

**4. Precision:** Claim 25 provides greater precision than Martinez. Claim 25 and its "said dictionary element that includes a definition presented in said pop up digital space" has

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significantly more precise information than Martinez's items that are **merely** "similar" to the target item. Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus the precision result of claim 25 is different than Martinez and Medl.

**5. Quality:** Claim 25 and it's "said dictionary element that includes a definition" has significantly higher quality than Martinez's items that are **merely** "similar" to the target item. Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus claim 25 has a quality result over Martinez and Medl.

**6. Long Life Cycle:** Claim 25 has a potentially long life cycle that can be made and sold for many years because it's "said dictionary element that includes a definition" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the significantly less useful and less promising "items similar to the target item". Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus the long life cycle result of claim 25 is different than Martinez and Medl.

**7. Prototype Availability:** Claim 25 has prototypes available and demonstrated in working models. The prototypes of claim 25 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**8. Broad Patent Coverage Available:** Claim 25 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 25 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 25 performs the unique function of "said dictionary element that includes a definition presented in said pop up digital space." Martinez does **not** teach claim 25 anywhere in his invention. Instead Martinez provides the unique and significantly less useful "items similar to the target item". Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus the likely broad patent coverage result of claim 25 is different than Martinez and his reference of Medl.

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**9. Inertia Need Not Be Overcome:** Claim 25 recites “said dictionary element that includes a definition presented in said pop up digital space.” Potential manufacturers, users, and sellers of claim 25 will not manifest inertia because products and services using the claim are already selling on the market. The companies using claim 25 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The inertia result of claim 25 is different than Martinez because his “items similar to the target item” is significantly less useful and likely must overcome significant inertia. Further Martinez’s reference of Medl does **not** teach a “dictionary element” of claim 25, and does **not** even teach a “dictionary” anywhere in his invention.

**10. Presence of Market:** Claim 25 recites “said dictionary element that includes a definition presented in said pop up digital space.” Claim 25 has a market that already exists because computers are ubiquitous and popular machines and it’s “a definition” is educational and has an everyday usefulness. The presence of market of claim 25 is evident because products and services using the claim are already selling on the market. The companies using claim 25 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The presence of market result of claim 25 is different than Martinez because his “items similar to the target item” is significantly less educational and less useful, and likely has a much smaller presence of market. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Further Martinez’s reference of Medl does **not** teach a “dictionary element” of claim 25, and does **not** even teach a “dictionary” anywhere in his invention.

**11. High Sales Anticipated:** Claim 25 per se can anticipate a high sales volume because its definition is very educational, useful, convenient, cheap to produce, and easy to market. Claim 25 is common and meets the everyday needs of people. The high sales anticipated of claim 25 is evident because products and services using the claim are already selling in high volumes. The companies using claim 25 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales volumes from the same

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company were attached with the Rule 132 declaration that was submitted with Amendment B. The high sales result of claim 25 is different than Martinez. Martinez's "items similar to the target item" is expensive to produce, less convenient, significantly less educational and useful, and therefore harder to market. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus Martinez and Medl likely do not have the high sales anticipated result of claim 25.

**12. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 25 likely will appeal to young people because the claim is very useful for young people to learn about a definition. Claim 25 provides "a definition" in a convenient pop up digital space that helps the learning experience. Claim 25 is important for the purposes of learning and education. Claim 25 is valuable because higher education is often a priority of young people.

Claim 25 will likely command more sales of the youth market than the significantly less educational and useful "items similar to the target item" of Martinez. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. In addition Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus the youth market result of claim 25 is different than Martinez and Medl.

**13. Crowded Art:** Claim 25 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 25 provides the small step forward of "said dictionary element that includes a definition presented in said pop up digital space" in the crowded art. Martinez provides the different small step forward of displaying the unique "items similar to the target item" in the crowded art. Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. As a result Medl also provides a different small step forward in the crowded art.

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**14. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 25. Martinez does **not** teach claim 25 and its “said dictionary element that includes a definition presented in said pop up digital space.” Instead Martinez teaches that a database is or may be a dictionary. In addition Martinez teaches the different and significantly less useful “items similar to the target item”. Further Martinez’s reference of Medl does **not** teach a “dictionary element” of claim 25, and does **not** even teach a “dictionary” anywhere in his invention. Thus Martinez and Medl clearly lack any suggestion that their inventions should be modified in a manner to meet claim 25.

**15. Poor Reference:** Martinez is a poor reference to claim 25. Martinez does **not** teach “a definition presented in said pop up digital space” of claim 25. Hence Martinez and his “items similar to the target item” are vague, foreign and conflicting to claim 25. Further Martinez’s reference of Medl does **not** teach a “dictionary element” of claim 25, and does **not** even teach a “dictionary” anywhere in his invention. Thus Martinez and Medl are weak references to claim 25 and should be construed narrowly.

**16. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. Martinez does **not** teach claim 25 and its “said dictionary element that includes a definition presented in said pop up digital space.” Instead Martinez teaches that a database is or may be a dictionary. In addition Martinez teaches the different and significantly less useful “items similar to the target item”. Further Martinez’s reference of Medl does **not** teach a “dictionary element” of claim 25, and does **not** even teach a “dictionary” anywhere in his invention. Thus Martinez and Medl are misunderstood references of claim 25.

**17. Contrarian Invention:** Claim 25 is contrary to the teachings of Martinez. Claim 25 and its “said dictionary element that includes a definition presented in said pop up digital space” goes against the grain of what Martinez teaches. Claim 25 provides an educational result and has an everyday usefulness that is different than Martinez. Instead Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement.



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In addition Martinez's reference of Medl is contrary to claim 25. Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus claim 25 has a contrarian result over Martinez and Medl.

**18. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. Martinez clearly does **not** teach claim 25 and its "said dictionary element that includes a definition presented in said pop up digital space." Instead Martinez teaches that his database is or may be a dictionary. In addition claim 25 and its "a definition" provide an educational result and has an everyday usefulness that is different than Martinez. Martinez teaches the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Further Martinez's reference of Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus Martinez and Medl are strained interpretations in regards to claim 24.

**19. Solved Different Problem:** Claim 25 solves a different problem than Martinez, and such different problem is recited in the claim of "said dictionary element that includes a definition presented in said pop up digital space." Claim 25 solves an educational problem by presenting a definition in a fast, simple and convenient manner. Instead Martinez solves the different problem of providing the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 25.

In addition Martinez's reference of Medl also solves a different problem than claim 25. This is because Medl does **not** teach a "dictionary element" of claim 25, and does **not** even teach a "dictionary" anywhere in his invention. Thus Medl solves different problems than claim 25.

**20. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 25 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected, and educational results in claim 25 of "said dictionary element that includes a definition presented in said pop up digital space."

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Instead Martinez teaches that his database is or may be a dictionary. In addition Martinez teaches providing the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Further Martinez’s reference of Medl does not teach a “dictionary element” of claim 25, and does not even teach a “dictionary” anywhere in his invention.

**From the reasons discussed**, the applicant submits that claim 25 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration. Accordingly the applicant submits that dependent claim 25 is a fortiori patentable and should also be allowed.

#### **The Rejection of Dependent Claim 26 Under § 102**

The O.A. stated at #4: “Claims 11-18,24-34,37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573).”

As mentioned, claim 26 is in canceled status.

#### **The Rejection of Dependent Claim 27 on Martinez Overcome Under § 102**

The O.A. stated, regarding applicant’s claim 27, “Martinez et al. show a method, wherein said pop up digital spaces presents various images that includes digital video when said cursor is placed over said word or phrase in said text (claim 4).”

Instead currently amended claim 27 recites in clean copy form:

“The process of Claim 24 further including displaying said pop up digital space presents a video when said cursor is placed over said word.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”

The reasons that claim 27 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of “The Rejection of Independent Claim 24 on Martinez Overcome Under § 102”.

The applicant respectfully disagrees that Martinez describes claim 27 for the following reasons:

1. Claim 27 and it’s “a video” is novel over claim 4 of Martinez. This is because Martinez does not recite a “video” in his claim 4.

Thus claim 27 recites novel physical features that distinguish over Martinez and his claim 4.

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2. Claim 27 and its “**a video**” is novel over claim 4 of Martinez. This is because the singular “a video” distinguishes over Martinez and the plural “non-textual graphical images” from his claim 4.

Thus claim 27 recites novel physical features that distinguish over Martinez and his claim 4.

3. Claim 27 and its “**pop up digital space**” is novel over claim 4 of Martinez. This is because Martinez does not recite a “**pop up digital space**” in his claim 4.

Thus claim 27 recites novel physical features that distinguish over Martinez and his claim 4.

4. Claim 27 recites “said pop up digital space presents a video when said cursor is placed over said word.”

The O.A. stated, regarding Martinez of “(claim 4 – graphical images)”.

Martinez recites in his (claim 4): “The computer-implemented method of claim 1, wherein said items are non-textual graphical images.”

Martinez’s claim 4 and its “said items” narrows referred claim 1 and its “items”. Referred claim 1 recites, in part, “b. searching a database for **items** similar to said target item;”.

Martinez’s claim 4 narrows referred claim 1 to essentially read “b. searching a database for **non-textual graphical images** similar to said target item;”. Hence narrowed claim 1 and the “**non-textual graphical images**” are now necessarily “similar to said target item”, which means “said target item” is now a **non-textual graphical image**.

Martinez does **not** describe claim 27 because his claim 1 is narrowed (by way of claim 4) so that the “items similar” and “said target item” are now **both “non-textual graphical images”**.

Instead claim 27 has “a video” when a cursor is placed over a “word”.

Thus claim 27 recites novel physical features that distinguish over Martinez and his claim 4 and referred claim 1.

5. Claim 27 is novel over Martinez and his claim 4 and referred claim 1 due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsisimis verbis* test, i.e., identity of terminology is not required.

Martinez and his “target item” and “similar items” that are **both non-textual graphical image(s)** are **not arranged** as required by claim 27. Claim 27 recites “said pop up digital space presents a video when said cursor is placed over said word”.

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Thus claim 27 is novel and distinguishes over Martinez.

**The Additional Novel Reasons of Claim 27 Over Martinez Under § 102:** The applicant submits claim 27 is novel over Martinez for the following additional reasons:

6. Claim 27 and it's "**a video**" is novel over Martinez. This is because Martinez does **not** describe a "**video**" anywhere in his invention.

Thus claim 27 recites novel physical features that distinguish over Martinez.

7. Claim 27 recites "said pop up digital space presents a video when said cursor is placed over said word".

Instead Martinez describes his different images at (col. 7, In 54-64), "FIG. 14 illustrates one possible user interface display of a graphics application annotated with a pop-up display, according to the teachings of the present invention. This example may represent drawing software, drafting software or some other graphics software displaying images at 1400. The **images** in this example are triangular shapes that might represent shapes on a map, or structural components, or mechanical components such as fan blades. A first **target item** 1410 has been highlighted. A pop-up display, 1420, **shows similar items**, 1431, 1432, and 1433, and provides access to them."

Martinez shows in his Fig. 14, the target item 1410 which is a triangle, the similar items 1431, 1432; and 1433 which are similar triangles with unidentical dimensions to the target item 1410.

Claim 27 and its "presents a video when said cursor is placed over said word" is novel over Martinez. This is because Martinez's "**target item**" and "**similar items**" are **both images**.

Claim 27 distinguishes over Martinez since it recites one "**video**" and one "**word**".

Thus claim 27 recites a novel physical feature that distinguishes over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 27 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 27 Is A Fortiori Patentable Over Martinez**

Currently amended dependent claim 27 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

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Since claim 27 incorporates all the limitations of independent claim 24, claim 27 is patentable for the same reasons given with respect to claim 24. Claim 27 is even more patentable because it adds an additional element.

Currently amended claim 27 recites in clean copy form: "The process of Claim 24 further including displaying said pop up digital space presents a video when said cursor is placed over said word."

The new and unexpected results that flow from the novel physical features of claim 27 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 27 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 27 is simpler than Martinez without loss of capability.

**2. Novelty:** Claim 27 has a novelty result over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. Martine does **not** teach claim 27 and it's "a video" anywhere in his invention. The novelty result of claim 27 is different than Martinez.

**3. Social Benefit:** Claim 27 has greater social benefits than Martinez because the claim provides important educational results. Claim 27 and its "presents a video when said cursor is placed over said word" can have much more educational value than Martinez. Claim 27 can present a video, which has extremely high informational content, to learn about a word. In contrast Martinez provides the significantly less educational and less useful "items similar to the

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target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 27 is different than Martinez.

**4. Precision:** Claim 27 has the opportunity to provide greater precision than Martinez. Claim 27 can present "a video" for a word. The "video" of claim 27 has extremely high informational content, and this can present significantly more precise information about a word than Martinez's items that are merely "similar" to the target item. Thus the precision result of claim 27 is different than Martinez.

**5. Quality:** Claim 27 recites "said pop up digital space presents a video when said cursor is placed over said word." Claim 27 can provide a video to learn about a word and this has much more educational quality than Martinez. Instead Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Also claim 27 and its "a video" has much higher quality and richer information for a word than Martinez and his "items similar to the target item". This is because Martinez teaches that his "target item" and "items similar" are necessarily both word(s). Thus claim 27 has quality results over Martinez.

**6. Operability:** Claim 27 per se and its "video" will not require significant technical development and will work readily. The ready operability result of claim 27 is different than Martinez. Martinez teaches machine parts called a "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez likely has a significantly less ready operability result than claim 27.

**7. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 27 likely will appeal to young people because the claim recites "presents a video when said cursor is placed over said word". The "video" of claim 27 is very useful to learn

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about a word for young people. Claim 27 is important for the purposes of learning and education. Claim 27 is valuable because higher education is often a priority of young people. The “video” of claim 27 likely commands more sales than something that is not attractive to young people such as Martinez’s invention. The “items similar to the target item” of Martinez is probably boring for most young people. Also a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. As a result his invention is significantly less educational and less useful for young people than claim 27. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 27 is different than Martinez.

**8. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 27. Claim 27 recites “said pop up digital space presents a video when said cursor is placed over said word.” Martinez does **not** teach claim 27 and its “video” and the function of “presents a video when said cursor is placed over said word.” Instead Martinez teaches the different and significantly less useful “items similar to the target item” and the alternative in which his “items similar to the target item” are both images. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 27.

**9. Poor Reference:** Martinez is a poor reference to claim 27. Martinez does **not** teach “a video” of claim 27. Instead Martinez’s “items similar to the target item” are vague, foreign and conflicting to claim 27. Thus Martinez is a weak reference to claim 27 and should be construed narrowly.

**10. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. The O.A. stated, “Martinez et al. show a method... wherein said pop up digital spaces presents various images that includes digital video when said cursor is placed over said word or phrase in said text (claim 4 – graphical images).” This statement is in regards to claim 13, now canceled, but claim 27 substantially recites the same subject matter. Claim 27 recites “The process of Claim 24 further including said said pop up digital space presents a video when said cursor is placed over said word.” Martinez does **not** teach claim 27 and its “video” in his claim 4 or anywhere in his invention.

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Instead Martinez recites in his (claim 4): “The computer-implemented method of claim 1, wherein said items are **non-textual graphical images**.”

Martinez’s claim 4 incorporates all the subject matter of referred claim 1. Claim 1 of Martinez recites, in part, “b. searching a database for **items** similar to said target item;”.

Martinez’s claim 4 recites “said items” and narrows the “items” of referred claim 1, so that the referred claim essentially recites “b. searching a database for **non-textual graphical images** similar to said target item;”. Hence the narrowed claim 1 and the “**non-textual graphical images**” are now necessarily “...similar to said target item”, which means “said target item” is now a **non-textual graphical image**.

Martinez does **not** teach claim 27 because his narrowed claim 1 recites that it’s “**items similar**” and “**said target item**” are now recited as **both “non-textual graphical images”**. Instead claim 27 has “a video” and a “word” because it recites “said pop up digital space presents a video when said cursor is placed over said word.” Thus Martinez is a misunderstood reference of claim 27.

**11. Contrarian Invention:** Claim 27 and its “presents a video when said cursor is placed over said word” go against the grain of what Martinez teaches. Claim 27 is contrary to Martinez because the claim recites a “word and a “video”. Instead Martinez teaches the different “items similar to the target item”. Thus claim 27 has a contrarian result over Martinez.

**12. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. Martinez does **not** teach the “video” of claim 27 anywhere in his invention. Instead Martinez teaches providing the different “items similar to the target item”. Martinez does **not** teach claim 27 because the claim recites one “video” and one “word”. Thus Martinez clearly does **not** teach the results in claim 27 of “said pop up digital space presents a video when said cursor is placed over said word”.

**13. Solved Different Problem:** Claim 27 has the opportunity to solve a different problem than Martinez, and such different problem is recited in the claim of “said pop up digital space presents a video when said cursor is placed over said word”. Claim 27 can solve an educational problem by presenting a video to learn about a word in a fast, simple and convenient manner. Instead Martinez solves the different problem of providing the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already



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understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 27.

**14. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 27 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach a “video” of claim 27 anywhere in his invention. Hence Martinez clearly does **not** teach the unexpected result in claim 27 of “said pop up digital space presents a video when said cursor is placed over said word”. Instead Martinez teaches providing the different “items similar to the target item”. Further Martine does **not** teach claim 27 because the claim recites one “video” and one “word” that is different than his “items similar to the target item”.

**From the reasons discussed,** the applicant submits that claim 27 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration. Accordingly the applicant submits that dependent claim 27 is a fortiori patentable and should also be allowed.

#### **The Rejection of Dependent Claim 28 Under § 102**

The O.A. stated at #4: “Claims 11-18,24-34,37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573).”

Asmentioned, claim 28 is in canceled status.

#### **The Rejection of Dependent Claim 29 on Martinez Overcome Under § 102**

The O.A. stated, regarding applicant’s claim 29, “Martinez et al. show a method... wherein the dictionary elements that present more than one meaning of said word or phrase, the intended contextual meaning of said word or phrase can be highlighted or otherwise distinguished (Fig. 8, item 810).”.

Instead currently amended claim 29 recites in clean copy form: “The process of Claim 24 wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”.

The reasons that claim 29 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of “The Rejection of Independent Claim 24 on Martinez

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Overcome Under § 102”.

The applicant respectfully disagrees that Martinez describes claim 29 for the following reasons:

1. The O.A. stated, regarding Martinez of “(Fig. 8, item 810)”.

Martinez shows at his (Fig. 8) a click 310, the first item of “print” 410, a pop-up window 420, a cursor 520, an exit button 450, and the similar items 710. Martinez shows at his item 810 a “certified copy”.

Claim 29 is novel over Martinez because his Fig. 8 and item 810 do **not** show “the **intended contextual meaning** of said word” of claim 29.

Thus claim 29 recites novel physical features that distinguish over Martinez.

2. The O.A. stated, regarding Martinez of “(Fig. 8, item 810)”.

Claim 29 is novel over Martinez and his Fig. 8 and item 810 because both do **not** show the **highlighted**” of claim 29.

Therefore claim 29 recites novel physical features that distinguish over Martinez and his (Fig. 8, item 810).

**The Additional Novel Reasons of Claim 29 Over Martinez Under § 102:** The applicant submits claim 29 is novel over Martinez for the following additional reasons:

Claim 29 recites additional novel reasons that distinguish over Martinez as follows:

3. Martinez describes at (col. 1, In 26-30), “Another example is U.S. Pat. No. 5,649,221 (Crawford, et al., Jul. 15, 1997), which discloses a “reverse electronic dictionary,” the user enters one or more search words which are thought to exist in the definition of the word that is sought.”

a. Claim 29 and its “having said **dictionary element**” is novel over Crawford and his “**reverse electronic dictionary**”.

b. Claim 29 is novel over Crawford due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

Crawford and his invention of a “**reverse electronic dictionary**” is **not arranged** as required by claim 29. Claim 29 recites “wherein having said **dictionary element** presents more than one meaning of said word the intended contextual meaning of said word is highlighted.”

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Thus claim 29 recites novel physical features that distinguish over Martinez and his reference of Crawford.

4. Claim 29 and its "one meaning of said word" is novel over Martinez because he does **not** describe a "**meaning**" of the claim anywhere in his invention.

Thus claim 29 recites novel physical features that distinguish over Martinez.

5. Claim 29 and its "presents **more than one meaning of said word**" is novel over Martinez because he does **not** describe a "**more than one meaning of said word**" of the claim anywhere in his invention.

Thus claim 29 recites novel physical features that distinguish over Martinez.

6. Claim 29 recites "the intended contextual meaning of said word".

Claim 29 is novel over Martinez because he does **not** describe the "**intended contextual meaning of said word**" of the claim anywhere in his invention.

Thus claim 29 recites novel physical features that distinguish over Martinez.

7. Claim 29 recites "wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

Martinez describes a "highlighted" 3 times.

a. **The first** is Martinez's reference of Medl at (col. 1, In 14-22), "Many approaches have been proposed to retrieving information and displaying it to a computer user. Examples include U.S. Pat. No. 6,209,006 (Medl, et al., Mar. 27, 2001), which relates to the use of hyperlinks that enable recall of help functions. "Elements of a user interface for an application program are predefined as help functions by the programmer or developer . . . . Upon selection of a **highlighted** hyperlinked element, a help window appears providing definitions, functional instructions, etc."

**Claim 29 is novel** over Martinez's reference of Medl because the "hyperlinked element" of Medl **is highlighted before** "providing definitions, functional instructions, etc." Instead claim 29 and its "the intended contextual meaning" is **highlighted after** "said dictionary element presents more than one meaning".

b. **The second** is Martinez at (col. 4, In 49-53), "The target item is **highlighted**, 410. A pop-up display, 420, shows similar items, 430, and provides access to said similar items 430."

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c. The third is Martinez at (col. 7, In 61-64), "A first target item 1410 has been **highlighted**. A pop-up display, 1420, shows similar items, 1431, 1432, and 1433, and provides access to them." Claim 29 is novel over the last two descriptions of Martinez because his "target item" and "first target item" are **highlighted before** showing the "similar items". Instead claim 29 and its "the intended contextual meaning" is **highlighted after** "said dictionary element presents more than one meaning".

Thus claim 29 recites novel physical features that distinguish over Martinez.

8. Martinez describes a "highlighted" 3 times as discussed in the previous reason.

Claim 29 is novel over Martinez and his "highlighted" due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipse dixit* or *ipse dixit* test, i.e., identity of terminology is not required.

Martinez and the "hyperlinked element", "target item", and "first target item" that are **highlighted before** showing the "items similar" are **not arranged** as required by claim 29.

Claim 29 recites "said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

Thus claim 29 recites novel physical features that distinguish over Martinez.

9. Claim 29 recites "wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 29 and its "more than one meaning of said word the intended contextual meaning of said word" is novel over Martinez and his "items" that are merely "similar to the target item".

Thus claim 29 recites novel physical features that distinguish over Martinez.

10. Claim 29 recites "the intended contextual meaning of said word is highlighted."

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

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Claim 29 and its **"intended contextual meaning of said word"** is novel over Martinez and his **"items similar to said target item"**. This is because claim 29 and its **"intended contextual meaning"** is a **direct** meaning for a word that distinguishes over Martinez and his **"items"** that are merely **"similar to the target item"**.

Thus claim 29 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 29 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 29 Is A Fortiori Patentable Over Martinez**

Currently amended dependent claim 29 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 29 incorporates all the limitations of independent claim 24, claim 29 is patentable for the same reasons given with respect to claim 24. Claim 29 is even more patentable because it adds additional elements.

Currently amended claim 29 recites in clean copy form: "The process of Claim 24 wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted."

The new and unexpected results that flow from the novel physical features of claim 29 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 29 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target

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item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 29 is simpler than Martinez without loss of capability. Claim 29 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Ease of Use:** Claim 29 is easier to learn and use than Martinez because the claim recites "wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted." Claim 29 requires no action or learning because the intended contextual meaning of a word is already highlighted for a user. This ease of use advantage is especially important in computer innovations because the claim enables people to use the computer more facilely, and this counts a great deal.

Martinez does **not** teach the ease of use of claim 29 anywhere in his invention. Instead Martinez recites 2 steps in his independent claim 1 to display his similar items, and at least 1 more step such as for replacement. His independent claims 11, 18, and 28 also recite the same steps as independent claim 1.

Claim 1 of Martinez recites "A computer-implemented method of providing access to a database, said method comprising: providing a recursive search process that includes a-d below: a. **responsive** to a cursor's position, identifying a target item; b. searching a database for items similar to said target item; c. providing an indicator, near said target item's position, to show the existence of similar items in said database; and d. **responsive** to a command for access, providing access to said similar items; applying, to a first item in a main application, said recursive search process, **wherein any one of said similar items may become** said target item for said recursive search process; and **responsive** to a command for replacement, replacing said first item with an item from said database."

Although Martinez's at least 2 user action steps do not take a long time, it is significant compared to claim 29. Thus claim 29 has an ease of use result over Martinez. Claim 29 is demonstrated in working models in which the intended contextual meaning is already highlighted.

**3. Novelty:** Claim 29 has novelty results over Martinez because the claim recites "wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted." Merely making a claim different may not

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appear to be an advantage per se, but it's usually a great advantage. Martinez does **not** teach claim 29 and its "more than one meaning", "the intended contextual meaning", "the intended contextual meaning is highlighted", or a "meaning" anywhere in his invention. Hence the novelty result of claim 29 is different than Martinez and all previously known counterparts as of the applicant's filing date. Thus claim 29 has novelty results over Martinez.

**4. Convenience/Mechanization:** Claim 29 makes living easier and more convenient because it already highlights the intended contextual meaning of a word in a pop up digital space, and this is an advantage. Claim 29 computerizes the manual task of using techniques such as using a pencil to write the correct meaning of a word on paper. Martinez does **not** teach the mechanization advantage of claim 29. In addition Martinez requires numerous parts, steps and functions that take much more time to use which is not convenient. The numerous element of Martinez are discussed in the above subheading "1. Omission of Elements:". Thus the convenience and mechanization result of claim 29 is different than Martinez.

**5. Social Benefit:** Claim 29 has greater social benefits than Martinez because the claim provides important educational results. Claim 29 provides certainty by highlighting the intended contextual meaning of a word, and this facilitates the learning experience. Claim 29 prevents people from having to guess the intended meaning of a word when more than one meaning are presented. Martinez does **not** teach this social benefit of claim 29. Thus the social benefit result of claim 29 is different than Martinez.

**6. Salability:** Claim 29 likely is easier to sell and market than Martinez. Claim 29 and its "the intended contextual meaning of said word is highlighted" is very helpful and educational. These advantages of claim 29 are common and meet the everyday needs of people. Instead Martinez teaches the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the salability result of claim 29 is different than Martinez.

**7. Potential Competition:** Claim 29 is potentially very popular because of its "the intended contextual meaning of said word is highlighted". The pure process of claim 29 is so simple, educational, and easy to produce that many imitators and copiers are likely to attempt to copy it or design around it, or try to break the claim as soon as it is brought out. Martinez does **not**

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teach claim 29 and its “the intended contextual meaning of said word is highlighted” anywhere in his invention. Instead Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the potential competition result of claim 29 is different than Martinez.

**8. Quality:** Claim 29 produces a higher quality output than Martinez. Claim 29 provides richer information from its “said dictionary element presents more than one meaning of said word”. Also claim 29 provides the quality result of “the intended contextual meaning of said word is highlighted.” Martinez does **not** teach these high quality outputs of claim 29. Instead Martinez teaches the significantly lower quality result of items that are **merely** “similar” to the target item. Thus claim 29 has quality results over Martinez.

**9. New Use:** Claim 29 has discovered a new use for the highlight function that did not exist as of the applicant’s filing date. The highlight function is newly used in claim 29 to indicate the intended contextual meaning of a word. Martinez does **not** teach this new use of claim 29 anywhere in his invention. Thus claim 29 has a new use result over Martinez.

**10. Long Life Cycle:** Claim 29 has a potentially long life cycle that can be made and sold for many years because its educational “dictionary element presents more than one meaning of said word” is passed from generation to generation. Also the claim’s new result of “the intended contextual meaning of said word is highlighted” is very useful and has a timeless quality. These are obvious strong advantages. Martinez does **not** teach these advantages of claim 29. Instead Martinez provides the significantly less educational and less promising “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the long life cycle result of claim 29 is different than Martinez.

**11. Minimal Learning Required:** Claim 29 requires minimal or no learning to use because its intended contextual meaning of a word is already highlighted. Martinez does **not** teach this result of claim 29. Instead Martinez teaches requiring at least 2 user action steps to show his “items similar to the target item” and many other steps and functions to learn his invention. Although Martinez do not require significant learning, but they are very significant compared to



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the minimal or no learning of claim 29. Thus the minimal or no learning result of claim 29 is different than Martinez.

**12. Combination Product:** Claim 29 and its separate functions of “presents more than one meaning of said word” and “the intended contextual meaning of said word is highlighted” produces a combination product that grooves well together. The combination of claim 29 did not exist as of the applicant’s filing date. Martinez does **not** teach this combination product result of claim 29. Thus the combination product result of claim 29 is different than Martinez.

**13. Prototype Availability:** Claim 29 has a prototype available and demonstrated in working models. The prototype of claim 29 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**14. Visibility of Invention in Final Product:** Claim 29 and its “the intended contextual meaning of said word is highlighted” presents a bright contrast that is highly visible. The high visibility will be a distinct marketing advantage for claim 29. Martinez does **not** teach the specific visibility result of claim 29. Thus the high visibility result of claim 29 is different than Martinez.

**15. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 29 likely will appeal to young people because the claim is very useful for young people to learn about a word. Claim 29 and its “intended contextual meaning of said word is highlighted” helps the learning experience. Claim 29 is important for the purposes of learning and education. Claim 29 is valuable because higher education is often a priority of young people.

Claim 29 will likely command more sales of the youth market than Martinez and his significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 29 is different than Martinez.

**16. Unexpected Results:** The results achieved by claim 29 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical, surprising and did not exist as of the applicant’s

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filing date. Claim 29 provides the unexpected results of “having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted”. Martinez does **not** teach these unexpected results of claim 29.

**17. Unappreciated Advantage:** As of the applicant’s filing date Martinez and those skilled in the art never appreciated the advantages of claim 29 as of the applicant’s filing date although it is inherent. Claim 29 provides the advantage of “the intended contextual meaning of said word is highlighted”. Martinez does **not** teach this advantage of claim 29. Thus claim 29 has an unappreciated advantage not taught by Martinez and the prior art.

**18. Poor Reference:** Martinez is a poor reference to claim 29. Martinez does **not** teach a “meaning” and “the intended contextual meaning of said word is highlighted” of claim 29. Hence Martinez and his “items similar to the target item” are vague, foreign and conflicting to claim 29. Thus Martinez is a weak reference to claim 29 and should be construed narrowly.

**19. Lack of Implementation:** If claim 29 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented it by the applicant’s filing date. The fact that Martinez and those skilled in the art have not implemented claim 29, despite its great advantages, indicates that it is not obvious. Claim 29 provides the advantages of “wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted”.

**20. Contrarian Invention:** Claim 29 is contrary to the teachings of Martinez. Martinez does **not** teach a “meaning” of claim 29. In addition claim 29 goes against the grain of Martinez because he does **not** teach the claim and it’s “the intended contextual meaning of said word is highlighted”. Hence claim 29 has educational benefits. Instead Martinez teaches the significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus claim 29 has a contrarian invention result over Martinez.

**21. Solved Different Problem:** Claim 29 solves a different problem than Martinez, and such different problem is recited in the claim of “the intended contextual meaning of said word is highlighted.” Claim 29 solves an educational problem. Instead Martinez provides the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to

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use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 29.

**22. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 29 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected results in claim 29 of “wherein having said dictionary element presents more than one meaning of said word the intended contextual meaning of said word is highlighted.”

**From the reasons discussed**, the applicant submits that claim 29 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration. Accordingly the applicant submits that dependent claim 29 is a fortiori patentable and should also be allowed.

#### **The Rejection of Dependent Claims 30-31 Under § 102**

The O.A. stated at #4: “Claims 11-18,24-34,37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573).”

As mentioned, claims 30 and 31 are in canceled status.

#### **The Rejection of Dependent Claim 32 on Martinez Overcome Under § 102**

The O.A. stated, regarding applicant’s claim 32, “Martinez et al. show a method... wherein said dictionary elements are to be used judiciously (Fig. 5).”

Instead currently amended claim 32 recites in clean copy form: “The process of Claim 24 wherein showing said dictionary element is presented with respect to an intended audience.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez:”.

The reasons that claim 32 is novel over Martinez include those from referred independent claim 24 as discussed in the above heading of “The Rejection of Independent Claim 24 on Martinez Overcome Under § 102”.

The applicant respectfully disagrees that Martinez describes claim 32 for the following reason:

**1.** The O.A. stated, regarding Martinez of “(Fig. 5)”.

Martinez shows at his Fig. 5, an indicator 230, a “in a pop-up window” 420, the “similar items” of “copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp” 430, the item “copy” 510, and a cursor 520.

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Claim 32 is novel over Martinez because he does **not** describe the claim and its “dictionary element is presented **with respect to an intended audience**” in his Fig. 5.

Thus claim 32 recites novel physical features that distinguish over Martinez and his Fig. 5.

**The Additional Novel Reason of Claim 32 Over Martinez Under § 102:** The applicant submits claim 32 is novel over Martinez for the following additional reasons:

2. Claim 32 is novel over Martinez because he does **not** describe the claim and its “dictionary element is presented **with respect to an intended audience**” anywhere in his invention. In fact Martinez does **not** describe an “audience” anywhere in his invention.

Thus claim 32 recites novel physical features that distinguish over Martinez.

3. Martinez describes at (col. 1, In 26-30), “Another example is U.S. Pat. No. 5,649,221

(Crawford, et al., Jul. 15, 1997), which discloses a “reverse electronic dictionary;” the user enters one or more search words which are thought to exist in the definition of the word that is sought.”

a. Claim 32 and its “**dictionary element**” is novel over Crawford and his “**reverse electronic dictionary**”.

b. Claim 32 is novel over Crawford due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.

Crawford and his invention of a “**reverse electronic dictionary**” is **not arranged** as required by claim 32. Claim 32 recites “wherein showing said **dictionary element** is presented with respect to an intended audience.”

Thus claim 32 recites novel physical features that distinguish over Martinez and his reference of Crawford.

**Therefore** from the reasons discussed, the applicant submits that claim 32 is novel over Martinez and solicits reconsideration and allowance under 35 U.S.C. § 102.

**Dependent Claim 32 Is A Fortiori Patentable Over Martinez**

Currently amended dependent claim 32 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

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Since claim 32 incorporates all the limitations of independent claim 24, claim 32 is patentable for the same reasons given with respect to claim 24. Claim 32 is even more patentable because it adds additional elements.

Currently amended claim 32 recites in clean copy form: "The process of Claim 24 wherein showing said dictionary element is presented with respect to an intended audience."

The new and unexpected results that flow from the novel physical features of claim 32 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 32 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements.

Thus claim 32 is simpler than Martinez without loss of capability. Claim 32 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Obviation of a Specific Disadvantage of an Existing Invention:** Martinez teaches the uniform and homogeneous "items similar to the target item" that is provided regardless of any audience, and this is a specific disadvantage of his invention. Claim 32 obviates this specific disadvantage of Martinez because the claim provides "said dictionary element is presented with respect to an intended audience." Claim 32 can present its dictionary element in many varied ways and levels of difficulty according to the many types of intended audiences. Martinez does **not** teach claim 32 and it's "presented with respect to an intended audience". In fact Martinez does **not** teach an "audience" at all. Thus claim 32 obviates a specific disadvantage of Martinez.

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**3. Novelty:** Claim 32 has a novelty result over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 32 are different than Martinez and all previously known counterparts as of the applicant's filing date. Martinez does **not** teach claim 32 and its "said dictionary element is presented with respect to an intended audience" anywhere in his invention. In fact Martinez does **not** teach an "audience" at all. Thus claim 32 has a novelty result over Martinez.

**4. Social Benefit:** Claim 32 has greater social benefits than Martinez because the claim provides important educational results. Claim 32 provides an educational benefit because its dictionary element "is presented with respect to an intended audience" and this enhances the learning experience. Martinez does **not** teach claim 32 and its "said dictionary element is presented with respect to an intended audience". In fact Martinez does **not** teach an "audience" at all. Thus the social benefit result of claim 32 is different than Martinez.

**5. Quality:** Claim 32 produces a higher quality output than Martinez. Claim 32 provides "said dictionary element is presented with respect to an intended audience." Claim 32 provides an educational result because it presents a dictionary element that is appropriate to an intended audience, and this enhances the learning experience. In addition the dictionary element of claim 32 is presented in varied ways and levels of difficulty based on the many types of intended audiences. These are high quality results of 32. Martinez does **not** teach claim 32 and its "said dictionary element is presented with respect to an intended audience". In fact Martinez does **not** teach an "audience" at all. Thus claim 32 has quality results over Martinez.

**6. Inferior Performance:** Claim 32 can provide an inferior performance benefit because the claim provides "said dictionary element is presented with respect to an intended audience." The "dictionary element" of claim 32 may perform worse than other dictionary material available, and this can be a great advantage.

For example the "dictionary element" of claim 32 can be presented at a basic level that is appropriate, for example, to an intended audience of young children. This inferior performance provides the advantages of making a dictionary element more understandable and a more effective learning experience for the young children audience. This is an inferior result compared to the dictionary material for an adult audience.

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Another example is the “dictionary element” of claim 32 can be presented in large text formats that are appropriate, for example, to an intended audience with eyesight impairments. This is an inferior result that takes up more space than regular size text. The inferior performance provides the advantage of making the large text “dictionary element” more viewable and more readable for an intended audience with eyesight impairments.

Another example is the “dictionary element” of claim 32 can be presented in acronyms and abbreviations that are appropriate to an intended audience of electrical engineers. The acronyms and abbreviations are inferior results to complete words. The inferior performance provides the advantages of making such acronyms and abbreviations more readable and enables faster reading for the intended electrical engineer audience.

Martinez does **not** teach claim 32 and its “said dictionary element is presented with respect to an intended audience”. In fact Martinez does **not** teach an “audience” at all. Thus claim 32 has an inferior performance advantage over Martinez.

**7. Long Life Cycle:** Claim 32 has a potentially long life cycle that can be made and sold for many years because its “said dictionary element” is passed from generation to generation. Also the claim’s new result of “said dictionary element is presented with respect to an intended audience” is very useful and has a timeless quality. These are obvious strong advantages. Instead Martinez provides the significantly less useful and less promising “items similar to the target item”. Thus the long life cycle result of claim 32 is different than Martinez.

**8. Prototype Availability:** Claim 32 has prototypes available and demonstrated in working models. The prototypes of claim 32 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**9. Broad Patent Coverage Available:** Claim 32 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 32 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 32 performs the unique function of “said dictionary element is presented with respect to an intended audience.” Martinez does **not** teach claim 32 and it’s “presented with respect to an intended audience”. In fact Martinez does **not** teach an “audience”

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at all. Instead Martinez provides the unique and significantly less useful “items similar to the target item”. Thus the likely broad coverage result of claim 32 is different than Martinez.

**10. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 32 likely will appeal to young people because the claim provides “dictionary element is presented with respect to an intended audience”. Claim 32 is useful for the intended audience of young people. This is because a dictionary element presented with respect to this audience enhances their learning experience. Claim 32 is important for the purposes of learning and education. Claim 32 is valuable because higher education is often a priority of young people.

Claim 32 will likely command more sales of the youth market than the significantly less educational and less useful “items similar to the target item” of Martinez. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 32 is different than Martinez.

**11. Unexpected Results:** The results achieved by claim 32 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because of its “said dictionary element is presented with respect to an intended audience”. Martinez does **not** teach the unexpected results of claim 32.

**12. Crowded Art:** Claim 32 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 32 provides the small step forward of “said dictionary element is presented with respect to an intended audience” in the crowded art. Martinez provides the different small step forward of displaying the unique “items similar to the target item” in the crowded art.

**13. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 32. Claim 32 recites “wherein showing said dictionary element is presented with respect to an intended audience.” Martinez does **not** teach claim 32 and it’s “presented with respect to an intended audience”. In fact Martinez does **not** teach an “audience” at all. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 32.



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**14. Poor Reference:** Martinez is a poor reference to claim 32. Claim 32 recites “showing said dictionary element is presented with respect to an intended audience.” Martinez is entirely foreign to claim 32 because he does **not** teach the “presented with respect to an intended audience” of the claim anywhere in his invention. In fact Martinez does **not** teach an “audience” at all. In addition Martinez and his “database is a dictionary” is conflicting to “said dictionary element” of claim 32. Thus Martinez is a weak reference to claim 32 and should be construed narrowly.

**15. Misunderstood Reference:** Martinez does **not** teach what the O.A. relies upon it as supposedly teaching. The O.A. stated regarding claim 32, “Martinez et al. show a method... wherein said dictionary elements are to be used judiciously (Fig. 5),”. Martinez shows at his Fig. 5, an indicator 230, a “in-a pop-up window” 420, the “similar items” of “copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp” 430, the item “copy” 510, and a cursor 520.

Martinez, in his Fig. 5, does **not** teach claim 32 and its “dictionary element is presented with respect to an intended audience”. Further Martinez does **not** teach claim 32 anywhere in his invention. In fact Martinez does **not** teach an “audience” at all. Thus Martinez is a misunderstood reference of claim 32.

**16. Contrarian Invention:** Claim 32 is contrary to the teachings of Martinez. Claim 32 and its “said dictionary element is presented with respect to an intended audience” goes against the grain of what Martinez teaches. Martinez teaches a uniform and homogeneous “items similar to the target item” regardless of any audience. This is because Martinez does **not** teach claim 32 and it’s “presented with respect to an intended audience”. In fact Martinez does **not** teach an “audience” at all. Thus claim 32 is a contrarian invention to Martinez.

**17. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez that could be made only in hindsight. This is because Martinez clearly does **not** teach claim 32 and it’s “dictionary element is presented with respect to an intended audience”. In fact Martinez does **not** teach an “audience” at all.

**18. New Principle of Operation:** Claim 32 utilizes a new principle of operation. Claim 32 utilizes a new principle of operation because it recites “said dictionary element is presented with respect to an intended audience.” The new principle of operation of claim 32 is not taught by

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Martinez and the prior art as of the applicant's filing date. The applicant has blazed a trail, rather than followed one.

**19. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 32 as a whole, including its differences over Martinez, would have been obvious. Martinez clearly does **not** teach the new, unexpected results in claim 32 of "said dictionary element is presented with respect to an intended audience". In fact Martinez does **not** teach an "audience" at all.

**From the reasons discussed**, the applicant submits that claim 32 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103, and solicits reconsideration. Accordingly the applicant submits that dependent claim 32 is a fortiori patentable and should also be allowed.

**The Rejection of Dependent Claims 33-34, 37, and 38 Under § 102**

The O.A. stated at #4: "Claims 11-18, 24-34, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,573)."

As mentioned, claims 33-34, 37, and 38 are in canceled status.

**Dependent Claims 19, 20, 35 and 36 are Rejected on Martinez and Abir Under 35 U.S.C. 103**

The O.A. stated at #6 "Claims 19, 20, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above) in view of Abir (6,692,170).

In regard to claims 19, 20, 35, and 36, Martinez et al. show the method discussed above. They do not specifically show that a language used in said pop up digital spaces can be different from the language used in said text or be a multitude of languages. Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant respectfully disagrees that "Martinez et al. show the method discussed above" due to the § 102 and § 103 reasons from claims 24-33 discussed in the above headings.

The applicant respectfully points out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

**A Review of the Reference of Martinez:**

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Martinez is discussed in the above heading "A Review of the reference of Martinez:".

**A Review of the Reference of Abir:**

Abir teaches an invention for inputting a desired character, word or phrase from numerous related entries into a text on a computer display for word processing. Abir's preferred embodiment has a partition area to display an onscreen keyboard. The virtual keyboard may operate to include words in other foreign languages, characters, and characters used in foreign languages.

The user selects one or more first characters of the desired character, word, or phrase on the keyboard. This prompts another window to show a set list with very large groups of characters, words or phrases from those selected first characters. The user may use a cursor to point and enlarge the characters, words or phrases on the set list. The user chooses the character, word, word string, or phrase to insert in the text.

**The Rejection of Dependent Claims 19-20 Under § 103**

The O.A. stated at #6 "Claims 19,20,35, are 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above) in view of Abir (6,692,170).

As mentioned, claims 19-20 are in canceled status.

**The Rejection of Dependent Claim 35 Under § 103**

The O.A. stated at #6 "Claims 19,20,35, are 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above) in view of Abir (6,692,170).

The O.A. stated regarding applicant's claim 35: "In regard to claims...35... Martinez et al... do not specifically show that a language used in said pop up digital spaces can be different from the language used in said text.... Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

**Dependent Claim 35 Is A Fortiori Patentable Over the Combination of Martinez and Abir**

Currently amended dependent claim 35 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez and Abir, or any combination thereof.

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Since currently amended claim 35 incorporates all the limitations of independent claim 24, claim 35 is patentable for the same reasons given with respect to claim 24. Claim 35 is even more patentable because it adds additional elements.

Currently amended claim 35 recites in clean copy form: "The process of Claim 24 wherein presenting a language used in said pop up digital space that is different from the language of said word."

**A Review of the References of Martinez and Abir:**

Martinez is discussed in the above heading "A Review of the reference of Martinez:".

Abir is discussed in the above heading "A Review of the Reference of Abir:".

The applicant respectfully disagrees that claim 35 is unpatentable due to the combination of Martinez and Abir.

The applicant respectfully requests reconsideration of this rejection, for the following reasons:

1. Intended functions destroyed.
2. Unsuggested combination.
3. References are individually complete.
4. References take different approaches.
5. References teach away.
6. Impossible to combine.
7. Inoperative combination.
8. Modifications necessary.
9. Claimed features lacking.
10. Synergism.
11. Multiplicity of steps required.
12. Dependent claim 35 is a fortiori patentable over the combination of Martinez and Abir.

**1. Intended Functions Destroyed**

Martinez and Abir are not legally combinable to meet claim 35 since doing so will destroy their intended functions under MPEP 2142.

**Martinez** teaches in his abstract "The invention provides a convenient mechanism to thoroughly search a database for useful items."

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Martinez teaches at (col. 2, In 35-38), "To give a more detailed example, one might employ the invention by applying a recursive annotation function to items in a main application, as follows: responsive to a cursor's position, identifying a **target item**; searching a database for **items similar to said target item**; providing an indicator, near the target item's position, to show that **similar items** from said database may be displayed; and providing, near the target item's position, an icon for sending a command for display to a recursive pop-up display function. The pop-up display function displays the similar items in a pop-up window, near the target item's position. Any one of the similar items in the pop-up window may become a target item for the above-mentioned recursive annotation function. A user may select a **similar item** from the database **for use** in the main application."

Abir teaches at (col. 1, In 12-13), "This invention relates to method and apparatus for inputting text for word processing and other communications."

Since claim 35 recites "wherein presenting a language used in said pop up digital space that is different from the language of said word", this will destroy the intended functions in Martinez and Abir.

The combination to meet claim 35 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text and destroys Martinez's intended function of providing "useful items" for use in the main application.

The combination to meet claim 35 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications and destroys Abir's intended function of "inputting text for word processing and other communications".

Therefore the intended functions of Martinez and Abir are destroyed if combined to meet claim 35.

## **2. Unsuggested Combination**

Martinez and Abir do not contain any suggestion, express or implied, that they be combined, or that they be combined in the manner suggested under MPEP 2142.

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The O.A., regarding the combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Thus Martinez and Abir do not contain any suggestion that they be combined in the manner suggested.

Claim 35 recites “wherein presenting a language used in said pop up digital space that is different from the language of said word.”

**Martinez** does **not** teach a “language” anywhere in his invention.

Both **Martinez** and **Abir** do **not** teach claim 35 and it’s “a language used in said pop up digital space that is **different** from the language of said word” anywhere in their inventions.

As a result the combination of Martinez and Abir does **not** teach claim 35 and it’s “a language used in said pop up digital space that is **different** from the language of said word”.

Therefore the combination of Martinez and Abir is unsuggested.

### **3. References are Individually Complete**

Each reference is complete and functional in itself, so there would be no reason to use parts from or add or substitute parts to any reference to meet claim 35 under MPEP 2142.

**Martinez** teaches a “recursive search process”, “pop-up window”, the “items similar to a target item”, and to search a database for useful items to replace a target item in a main application.

**Abir** teaches a “partition area”, a “virtual keyboard”, functions for locating “the appropriate character”, and to find the desired character, word or phrase to input in word processing or other communications.

Both **Martinez** and **Abir** do **not** teach claim 35 and its “wherein presenting a language used in said pop up digital space that is **different** from the language of said word” anywhere in their inventions.

The combination to meet claim 35 would show **Martinez**’s “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez

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now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

The combination to meet claim 35 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Therefore the references of Martinez and Abir are individually complete and there is no reason to modify them to meet claim 35 since it would produce nonsensical results.

#### **4. References Take Different Approaches**

Martinez and Abir take mutually exclusive paths and reach different solutions to a similar problem. Since they teach away from each other, it would not be logical to combine them to meet claim 35 under MPEP 2142.

**Martinez** and **Abir** solve a similar problem. **Martinez** solves the problem of providing "useful items" for use in his main application by replacing a target item with a similar item. **Abir** solves the similar problem of inserting a desired character, word or phrase in word processing or other communications.

**Martinez** takes a different approach than **Abir** by using a "recursive search process", "pop-up window", and the "items similar to a target item".

**Abir** takes a different approach than **Martinez** by using a "partition area", a "virtual keyboard", and functions for locating "the appropriate character". **Abir** does **not** teach the "pop-up window" of **Martinez**.

The combination to meet claim 35 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence **Martinez** now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

The combination to meet claim 35 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Therefore since **Martinez** and **Abir** teach away from each other, it would not be logical to combine them to meet claim 35 because it would produce nonsensical results.

#### **5. References Teach Away**

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Martinez and Abir themselves teach away, expressly or by implication, from the suggested combination to meet claim 35 under MPEP 2142.

The O.A., regarding the combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Instead **Abir** teaches a "partition area", a "virtual keyboard", functions for locating "the appropriate character", and to find the desired character, word or phrase to input in word processing or other communications.

Martinez does **not** teach a "language" of claim 35 anywhere in his invention. Instead **Martinez** teaches a "recursive search process", "pop-up window", the "items similar to a target item", and to search a database for useful items to replace a target item in a main application.

Thus Martinez and Abir themselves teach away from the suggested combination to meet claim 35.

In addition the combination to meet claim 35 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

In addition the combination to meet claim 35 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Therefore Martinez and Abir themselves teach away from the suggested combination to meet claim 35 because the combination would produce nonsensical results.

#### **6. Impossible to Combine**

Those skilled in the art would find it physically impossible to combine Martinez and Abir in the manner suggested to meet claim 35.

The O.A., regarding the combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it



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would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Both **Martinez** and **Abir** do **not** teach claim 35 and its “wherein presenting a language used in said pop up digital space that **is different** from the language of said word” anywhere in their inventions.

The combination to meet claim 35 would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

The combination to meet claim 35 would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications.

Further for the suggested combination to make sense, this would require all the characters, words, phrases, and text to be replaced in the main application, word processing, or other communications. All the replacements need to use the different language of Martinez’s replacement similar item, and the different language of Abir’s inputted text.

This is a physically impossible task since all the replacements to a different language in the main application, word processing, or other communications are required based on one replacement similar item of Martinez, and one inputted text of Abir.

Therefore Martinez and Abir are impossible to combine in the manner suggested to meet claim 35.

#### **7. Inoperative Combination**

If Martinez and Abir could be combined to meet claim 35, the references would produce an inoperative combination.

The combination to meet claim 35 would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

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The combination to meet claim 35 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Therefore the combination of Martinez and Abir to meet claim 35 produces an inoperative combination because of the nonsensical results.

#### **8. Modifications Necessary**

It would be necessary to make modifications, not taught in the prior art, in order to combine Martinez and Abir in the manner suggested to meet claim 35.

The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

**Abir** needs to be modified to add a language translator feature and an electronic dictionary feature.

Thus modifications are necessary, not taught in the prior art, in order to combine Martinez and Abir in the manner suggested.

In addition both **Martinez** and **Abir**, to meet claim 35, need to be modified by adding the features in the claim of "presenting a language used in said pop up digital space that is **different** from the language of said word."

This modification would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

This modification would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

In addition since the modifications produce nonsensical results, Martinez needs to eliminate his replacement function. Likewise Abir needs to eliminate his "text input" function.

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In addition Martinez needs to eliminate his intended function of providing “useful items” for use in the main application. Likewise Abir needs to eliminate his intended function of “inputting text for word processing and other communications”.

Therefore modifications are necessary, not taught in the prior art, in order to combine Martinez and Abir in the manner suggested to meet claim 35.

#### **9. Claimed Features Lacking**

Even if combined, Martinez and Abir would not meet all of the features of claim 35 under MPEP 2142.

The combination of **Martinez** and **Abir** does **not** teach or suggest all the claim limitations of claim 35. This is because the combination lacks the features in claim 35 of “presenting a language used in said pop up digital space that is **different** from the language of said word.”

Therefore the features of claim 35 are lacking in the combination of Martinez and Abir.

#### **10. Synergism**

The whole of the result achieved by the process of claim 35 is greater than the sum of the respective results of the individual references of Martinez and Abir.

Claim 35 recites “The process of Claim 24 wherein presenting a language used in said pop up digital space that is different from the language of said word.” Claim 35 achieves an educational result because a person learns about a word in a different language.

Both **Martinez** and **Abir** do **not** teach claim 35 and its educational result of learning about a word in a different language. This is because Martinez and Abir do **not** teach claim 35 and it’s “a language used in said pop up digital space that is **different** from the language of said word.”

Instead **Martinez** teaches replacing a target item with a similar item in the main application.

Instead **Abir** teaches inputting a desired or appropriate character, word or phrase in word processing and other communications.

Therefore the educational result achieved by claim 35 of learning about a word in a different language is greater than the sum of the respective results of the individual references of Martinez and Abir.

#### **11. Multiplicity of Steps Required**

The combination suggested to meet claim 35 requires a series of separate, awkward combinative steps that are too involved to be considered obvious.

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The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

**Abir** needs to be modified to add a language translator feature and an electronic dictionary feature.

In addition, to meet claim 35, the combination of **Martinez** and **Abir** needs to be modified by adding the features in the claim of "presenting a language used in said pop up digital space that is **different** from the language of said word."

This combinative step would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

This combinative step would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

As a result this combinative step to meet claim 35 produces nonsensical results. For the combination to make sense, Martinez needs to eliminate his replacement function. In addition Abir needs to eliminate his "text input" function.

Further, for the combination to make sense, Martinez needs to eliminate his intended function of providing "useful items" for use in the main application. In addition Abir needs to eliminate his intended function of "inputting text for word processing and other communications".

Therefore the combination of Martinez and Abir to meet claim 35 requires a multiplicity of steps that are too involved to be considered obvious.

**A Prima Facie Case and Claim 35:** The applicant submits that the rejection of claim 35 on Martinez and Abir does not set forth a prima facie case of obviousness, as required by MPEP 2142. This section requires that:

1. There must be some suggestion or motivation, either in the references themselves or in

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the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine their teachings to meet claim 35.

2. There must be a reasonable expectation of success.

3. The prior art references must teach or suggest all the claim limitations.

Claim 35 recites "The process of Claim 24 wherein presenting a language used in said pop up digital space that is different from the language of said word."

The applicant submits that the rejection does not meet Requirement 1 because neither Martinez nor Abir suggests such a combination, and one skilled in the art would have no reason to make such a combination to meet claim 35 because it produces nonsensical results as follows:

The combination to meet claim 35 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application.

This produces a nonsensical text in the main application.

The combination to meet claim 35 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Further Martinez and Abir are not directed to solving the same problem as claim 35 solves because the claim solves the problem of learning about a word in a different language. Martinez and Abir do not solve the problem claim 35 solves. Martinez solves the different problem of providing "useful items" for use in his main application by replacing a target item with a similar item. Abir solves the different problem of providing a "method and apparatus for inputting text for word processing and other communications."

Moreover, the applicant submits that the rejection does not meet Requirement 2. Martinez and Abir are not combinable because their intended functions would be destroyed if one attempted to combine them to meet claim 35 as follows:

The combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text and destroys Martinez's intended function of providing "useful items" for use in the main application.

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The combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications and destroys Abir's intended function of "inputting text for word processing and other communications".

Since the combination to meet claim 35 produces nonsensical results and destroys the intended functions of Martinez and Abir, there is no reasonable expectation of success.

Finally the applicant submits that the rejection does not meet Requirement 3 because, even if the combination could be legally made, the combination does not show claim 35 and it's "The process of Claim 24 wherein presenting a language used in said pop up digital space that is different from the language of said word."

The applicant submits these distinctions are patentable under § 103 because of the reasons discussed in the next heading of "12. Dependent Claim 35 Is A Fortiori Patentable Over the Combination of Martinez and Abir".

#### **12. Dependent Claim 35 Is A Fortiori Patentable Over the Combination of Martinez and Abir**

Currently amended dependent claim 35 incorporates all the subject matter of independent claim 24 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez and Abir, or any combination thereof.

Since claim 35 incorporates all the limitations of independent claim 24, claim 35 is patentable for the same reasons given with respect to claim 24. Claim 35 is even more patentable because it adds additional elements.

Currently amended claim 35 recites in clean copy form: "The process of Claim 24 wherein presenting a language used in said pop up digital space that is different from the language of said word."

The new and unexpected results that flow from the novel physical features of claim 35 are discussed in the following reasons:

**1. Miscellaneous:** The applicant respectfully disagrees with the O.A. statement that "In regard to claims...35... Martinez et al. show the method discussed above." The reasons are discussed above under the headings regarding independent claim 24.

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**2. Omission of Elements:** Numerous elements from the combination of Martinez and Abir are omitted in claim 35. The omitted elements of **Martinez** are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials than the target item, among other elements.

The omitted elements of **Abir** are: a partition area set within the display means for delineating the appropriate character keyset, words which appear are magnified according to a user-defined resolution, in a predetermined area, the predetermined area of the keyboard, on the display area the words themselves will be far too small to be legible, an insert box, the arrangement and numbers of rows and columns and other specifics and considerations of the keyboard screen layout and visual design are user-defined, a whole word set, predesignated list of words, a word/phrase set list, manually designating the set list closed, set lists, a set list screen, a set list window will include words arranged in an alphabetical manner, words will be set in the keyboard in a particular manner, usually in a logical order with words beginning with first character in the language or other defined text to be input at one position, and words beginning with the last character in the language or other defined text to be input at an opposite position, 60,000 words on the board, in a magnified resolution the user may have ten words each in a viewable font, and a user will be able to remove words that they never use, among other elements.

Thus claim 35 is simpler than the combination of Martinez and Abir without loss of capability. Claim 35 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**3. Cost:** Claim 35 per se is likely to be cheaper to build than the combination of Martinez and Abir because the claim is a pure process. Martinez and Abir have numerous parts, steps and

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functions as discussed in the previous subheading “2. Omission of Elements: “. Also Martinez teaches machine parts of a “computer readable storage medium” and a “computer-usable medium”. Likewise Abir teaches a machine part of “apparatus for inputting text”. The combination of Martinez and Abir with its machine parts and numerous elements are many times more costly to build than claim 35 which is a pure process. Thus the low cost result of claim 35 is different than the combination of Martinez and Abir.

**4. Ease of Production:** Claim 35 per se, which is a pure process, is likely easier and cheaper to produce than the combination of Martinez and Abir. Martinez teaches machine parts called a “computer readable storage medium” and a “computer-usable medium”. Likewise Abir teaches a machine part of “apparatus for inputting text”. The combination of Martinez and Abir needs significant resources to produce its machine parts and numerous elements as discussed in the above subheading “2. Omission of Elements: “. Thus the ease of production result of claim 35 is different than the significantly more difficult to produce combination of Martinez and Abir.

**5. Novelty:** Claim 35 recites “wherein presenting a language used in said pop up digital space that is different from the language of said word”. Claim 35 is novel over the combination of Martinez and Abir because the combination does **not** teach the 2 different languages as recited in the claim. Merely making a claim different may not appear to be an advantage per se, but it’s usually a great advantage. The novelty results of claim 35 are different than the combination of Martinez and Abir and all previously known counterparts as of the applicant’s filing date. Thus claim 35 has novelty results over the combination of Martinez and Abir.

**6. Social Benefit:** Claim 35 has greater social benefits than Martinez because the claim provides important educational results. Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word”. Claim 35 provides a fast, convenient and educational process for a person to learn about a word in a different language. The combination of Martinez and Abir to meet claim 35 provides no educational benefits. This is because the combination would show Martinez’s “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir’s inputted text that uses a different language from the language used in the “word



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processing and other communications". This produces a nonsensical word processing and communications. Thus social benefit result of claim 35 is different than the combination of Martinez and Abir.

**7. Ecology:** Claim 35 has great potential to provide ecology benefits because it does not emphasize or require the printing of paper. Paper is from organic matter, in most cases from trees, which are a limited and important natural resource. Claim 35 is a pure process and the ecology result is critical and different than the combination of Martinez and Abir. Martinez teaches the use of printers, the print function, as well as producing machine parts called a "computer readable storage medium" and "computer-usable medium". Abir teaches producing a machine part called an "apparatus for inputting text". Thus the production of machine parts and the print functions from the combination of Martinez and Abir create significantly more stress on the ecology than claim 35, which is a pure process.

**8. Salability:** Claim 35 recites "presenting a language used in said pop up digital space that is different from the language of said word." Claim 35 is easier to sell and market than the combination of Martinez and Abir. The 2 different languages as recited in claim 35 is educational, are common to many people of different languages and meets the everyday needs of the market. The combination of Martinez and Abir to meet claim 35 likely has no salability results. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. Thus salability of claim 35 is different than the combination of Martinez and Abir.

**9. Appearance:** Claim 35 provides a better appearing design than the combination of Martinez and Abir because the claim "presents a language used in said pop up digital space that is different from the language of said word." In contrast the combination of Martinez and Abir to meet claim 35 would show a nonsensical and absurd appearance. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that

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uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. Thus the appearance result of claim 35 is different than the combination of Martinez and Abir.

**10. Precision:** Claim 35 operates and has greater precision because the claim provides "a language used in said pop up digital space that is different from the language of said word." In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results do not provide precision. Thus the precision result of claim 35 is different than the combination of Martinez and Abir.

**11. Market Size:** Claim 35 likely has a large market size result over the combination of Martinez and Abir. Claim 35 recites "wherein presenting a language used in said pop up digital space that is different from the language of said word." The 2 different languages as recited in claim 35 are common to many people of different languages and meet the everyday needs of this large market. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results have no

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market size. Thus the market size result of claim 35 is different than the combination of Martinez and Abir.

**12. Quality:** Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.” Claim 35 produces a quality output because its 2 different languages provide a richer quality than one language. In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results provide no quality. Thus claim 35 has a quality result over Martinez.

**13. New Use:** Claim 35 has discovered a new use for its 2 different languages. Claim 35 provides the new use of “presenting a language used in said pop up digital space that is different from the language of said word.” The new use result of claim 35 is different than the combination of Martinez and Abir to meet claim 35. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results cannot be produced as a new use. Thus the new use result of claim 35 is different than the combination of Martinez and Abir.

**14. Long Life Cycle:** Claim 35 has a potentially long life cycle that can be made and sold for many years because its 2 different languages are passed from generation to generation. This is an obvious strong advantage. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s**

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“similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results do not provide a long life cycle. Thus the long life cycle result of claim 35 is different than the combination of Martinez and Abir.

**15. Satisfies Existing Need:** Claim 35 satisfies an existing and recognized need. The 2 different languages as recited in claim 35 are common to many people of different languages and meet the everyday needs of people. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results do not satisfy an existing need. Thus the existing need result of claim 35 is different than the combination of Martinez and Abir.

**16. Operability:** Claim 35 likely will work readily because it is a pure process that is simple and very useful. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results make

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the combination impracticable and inoperable. Thus the ready operability result of claim 35 is different than the combination of Martinez and Abir.

**17. Profitability:** Claim 35 likely is easy to sell at a profit or at an acceptable price level because its lean structure and pure process requires no expensive and difficult development tooling or expensive exotic materials to build. The profitability result of claim 35 is different than the combination of Martinez and Abir because the combination requires expensive tooling to produce the machine parts of a “computer readable storage medium”, “computer-usable medium” and an “apparatus for inputting text”. In addition numerous other elements to build are discussed in the above subheading “2. Omission of Elements: “. Thus claim 35 has a profitability advantage result over the combination of Martinez and Abir.

**18. Compatibility:** Claim 35 is likely to be compatible with existing patterns of use since it is a pure process and because a word and a pop up digital space are frequently used. Also claim 35 is likely to be compatible with existing customs because its 2 different languages are common to people of many languages. In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results provide no compatibility. Thus the compatibility result of claim 35 is different than the combination of Martinez and Abir.

**19. Easy to Promote:** Claim 35 is easy to promote because its 2 different languages are common to people of many languages and meets the everyday needs of people. In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show

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**Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results cannot be promoted. In addition claim 35 per se with its pure process and high visibility makes it cheap and easy to market, and this is a clear advantage. Thus the easy to promote result of claim 35 is different than the combination of Martinez and Abir.

**20. Combination Product:** Claim 35 is a combination product because it recites "presenting a language used in said pop up digital space that is different from the language of said word." Claim 35 and its separate parts of "a language used in said pop up digital space that is different" and "from the language of said word" groove well together. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results do not groove well together. Thus the combination product result of claim 35 is different than the combination of Martinez and Abir.

**21. Broad Patent Coverage Available:** Claim 35 recites "presenting a language used in said pop up digital space that is different from the language of said word." Claim 35 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 35 is the only source which performs its certain, unique functions, the claim will be able to charge more than if it were in a competitive situation. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This

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produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination not functional and not usable. Thus claim 35 has broad patent coverage over the combination of Martinez and Abir.

**22. High Sales Anticipated:** Claim 35 per se can anticipate a high sales volume because its 2 different languages are common to people of many languages and meets their everyday needs. In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results from the combination do not anticipate high sales. Thus high sales anticipated result of claim 35 is different than the combination of Martinez and Abir.

**23. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 35 will likely appeal to young people because it's "a language used in said pop up digital space that is different from the language of said word" is very useful for them to learn about a word in a different language. Claim 35 is important for the purposes of learning and education. Claim 35 is valuable because higher education is often a priority of young people. Claim 35 likely will command more sales of the youth market than the combination of Martinez and Abir. The combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and

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communications. These nonsensical and absurd results will not appeal to the youth market.

Thus the youth market result of claim 35 is different than the combination of Martinez and Abir.

**24. Synergism:** Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.” The result achieved by claim 35 and its 2 different languages is greater than the sum of the separate results of its parts of “said word” and “said pop up digital space”. The parts of claim 35 cooperate together to increase the overall learning of a word in a different language, a synergistic effect. In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results are not a synergistic effect. Thus the synergism result of claim 35 is different than the combination of Martinez and Abir.

**25. Unexpected Result:** The results achieved by claim 35 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because it provides “a language used in said pop up digital space that is different from the language of said word.” These results of claim 35 did not exist as of the applicant’s filing date. In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination impracticable. Thus the unexpected results of claim 35 are different than the combination of Martinez and Abir.



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**26. Crowded Art:** Claim 35 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 35 provides the small step forward of “presenting a language used in said pop up digital space that is different from the language of said word” in the crowded art. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd and is not a step forward in the crowded art.

**27. Unsuggested Modification:** Martinez and Abir lack any suggestion that their inventions should be modified in a manner required to meet claim 35. Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.”

Martinez does **not** teach a “language” of claim 35 anywhere in his invention. Both Martinez and Abir do **not** teach the 2 different languages as recited in claim 35 anywhere in their inventions.

Further the combination of Martinez and Abir to meet claim 35 would be nonsensical and

absurd. This is because the combination would show **Martinez’s** “similar items” in a language

to replace a target item that uses the different language in the main application. Hence Martinez

now shows the replacement similar item that is in a different language from the main application.

This produces a nonsensical text in the main application. Likewise the combination would show

**Abir’s** inputted text that uses a different language from the language used in the “word

processing and other communications”. This produces a nonsensical word processing and

communications. These nonsensical and absurd results make the combination an unsuggested

modification of Martinez and Abir. Thus the combination of Martinez and Abir clearly lacks any suggestion that their inventions should be modified in a manner to meet claim 35.

**28. Poor References:** Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.” Martinez is entirely foreign to claim 35

because he does **not** teach a “language” of the claim. Martinez and Abir do not teach the 2

different languages as recited in claim 35 anywhere in their inventions. Further the combination

of Martinez and Abir to meet claim 35 is foreign and conflicting to the claim since the

combination would be nonsensical and absurd. This is because the combination would show

**Martinez’s** “similar items” in a language to replace a target item that uses the different language

in the main application. Hence Martinez now shows the replacement similar item that is in a

different language from the main application. This produces a nonsensical text in the main

application. Likewise the combination would show **Abir’s** inputted text that uses a different

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language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination a poor reference. Therefore the combination of Martinez and Abir is a weak reference to claim 35 and should be construed narrowly.

**29. Ancient Suggestion:** The O.A., regarding the suggested combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach the language translator and electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Nevertheless the suggestion to add the language translator and electronic dictionary to Martinez

is many years old. Further to add the language translator and electronic dictionary to the

combination of Martinez and Abir to meet claim 35 was never implemented and would produce greatly inferior results. This is because the combination would show Martinez’s “similar items”

in a language to replace a target item that uses the different language in the main application.

Hence, Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the

combination would show Abir’s inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results are greatly inferior to claim 35.

In contrast claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.” Claim 35 provides a unique, convenient process for a person to learn about a word in a different language. Thus to add “a language translator” and an “electronic dictionary” is an ancient suggestion that is different than claim 35.

**30. Misunderstood References:** The combination of Martinez and Abir does **not** teach what the O.A. relies upon it as supposedly teaching. The O.A., regarding the suggested combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary

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skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Further since claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word”, the combination of Martinez and Abir to meet the claim would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. Thus these nonsensical and absurd results from the combination make Martinez and Abir misunderstood references to claim 35.

**31. Lack of Implementation:** If claim 35 were in fact obvious, because of its advantages, Martinez, Abir and those skilled in the art surely would have implemented the claim as of the applicant’s filing date. Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.” Even if Martinez and Abir were combined to meet claim 35 the result would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results are the reason that Martinez and Abir could not be implemented to meet claim 35. The fact that Martinez, Abir and those skilled in the art have not implemented claim 35, despite its great advantages, indicates that it is not obvious.

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**32. Contrarian Invention:** Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.” Claim 35 is contrary to the teachings of the combination of Martinez and Abir because the claim provides a unique, convenient process for a person to learn about a word in a different language. Instead the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. Claim 35 goes against these nonsensical and absurd results from the combination. Thus claim 35 is contrarian to the combination of Martinez and Abir.

**33. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez and Abir that could only be made by hindsight. The O.A., regarding the combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.” The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention. Further since claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word”, the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. Thus these nonsensical and absurd results from the combination are a strained interpretation of Martinez and Abir to meet claim 35.

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**34. Solved Different Problem:** Claim 35 solves a different problem than the combination of Martinez and Abir, and such different problem is recited in the claim. Claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word.” Claim 35 solves the educational problem of learning about a word in a different language. In contrast the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd and this does not solve any problem. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results do not solve the educational problem of claim 35 and in fact creates more unnecessary problems. Thus claim 35 is different than the combination of Martinez and Abir because the combination does not solve any problem.

**35. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 35 as a whole, including its differences over the combination of Martinez and Abir, would have been obvious. The O.A., regarding the combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.” The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Further since claim 35 recites “presenting a language used in said pop up digital space that is different from the language of said word”, the combination of Martinez and Abir to meet claim 35 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

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Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. Thus these nonsensical and absurd results from the combination are not a convincing line of reasoning that claim 35 would have been obvious.

**From the reasons discussed**, the applicant submits that claim 35 produces valuable new, unexpected, and different results and hence is unobvious and patentable over the combination of Martinez and Abir under 35 U.S.C § 103, and solicits reconsideration. Accordingly the applicant submits that dependent claim 35 is a fortiori patentable and should also be allowed.

**The Rejection of Dependent Claim 36 Under § 103**

The O.A. stated at #6 "Claims 19,20,35, are 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above) in view of Abir (6,692,170).

As mentioned, claim 36 is in canceled status:

**New Independent Claim 39 is Submitted Under § 112**

New independent claim 39 recites:

"A system of presenting content to understand a word, comprising:

a computer;

a screen with said computer;

a cursor on said screen;

a word displayed on said screen;

a pop up digital space for utilizing on said screen;

offering a sense of said word; and

when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word."

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading "A Review of the reference of Martinez:".

Claim 39 is newly added in the following ways with the accompanying reasons:

1. The preamble "A system of presenting content to understand a word, comprising:" is added to summarize claim 39, and to make the claim clear and logical under § 112, second paragraph.

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2. The “a computer; a screen with said computer; a cursor on said screen; a word displayed on said screen;” is added to make claim 39 clear, precise and logical under § 112, second paragraph.
3. The “a pop up digital space for utilizing on said screen; offering a sense of said word; and” is added to make claim 39 clear, precise and logical under § 112, second paragraph.
4. The “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.” is added to make claim 39 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 39 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 39 under 35 U.S.C. § 112.

**New Independent Claim 39 is Novel Over Martinez Under § 102**

New independent claim 39 recites:

“A system of presenting content to understand a word, comprising:

- a computer;
- a screen with said computer;
- a cursor on said screen;
- a word displayed on said screen;
- a pop up digital space for utilizing on said screen;
- offering a sense of said word; and
- when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.”

The applicant submits that claim 39 is novel over Martinez for the following reasons:

1. Claim 39 recites “offering a sense of said word; and”.

Martinez does **not** describe “a sense of said word” of claim 39 anywhere in his invention.

Thus claim 39 recites a novel physical feature that distinguishes over Martinez.

2. Claim 39 recites “offering a sense of said word; and”.

Instead Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”

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Claim 39 and its “**a sense of said word**” is novel over Martinez and his “**items similar to the target item**”. This is because claim 39 and its a sense of a word distinguishes over Martinez and his “**items**” that are merely “**similar to the target item**”.

Thus claim 39 recites a novel physical feature that distinguishes over Martinez.

3. Claim 39 recites “offering a sense of said word; and”.

Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”

Claim 39 and its “**a sense of said word**” is novel over Martinez and his “**items similar to said target item**”. This is because claim 39 and its “**a sense**” is a **direct** meaning for a word that distinguishes over Martinez and his “**items**” that are merely “**similar to the target item**”.

Thus claim 39 recites a novel physical feature that distinguishes over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 39 is novel over

Martinez and solicits allowance under 35 U.S.C. § 102.

**Claim 39 Produces New and Unexpected Results and Hence is Unobvious and Patentable Over Martinez under § 103**

The applicant submits that the novel physical features of claim 39 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Martinez, or any combination thereof.

Independent claim 39 recites:

“A system of presenting content to understand a word, comprising:

a computer;

a screen with said computer;

a cursor on said screen;

a word displayed on said screen;

a pop up digital space for utilizing on said screen;

offering a sense of said word; and

when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.”



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The new and unexpected results that flow from the novel physical features of claim 39 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 39 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 39 is simpler than Martinez without loss of capability. Claim 39 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 39 recites in the preamble, "A system of presenting content to understand a word, comprising:".

Instead Martinez teaches at (col. 4, In 26-29), "The invention searches a database for items similar to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Martinez and his "items similar to said target item" is a specific disadvantage because it provides items that are merely "similar" to the target item. Claim 39 obviates this specific advantage of Martinez because the claim presents "content to understand a word". This is an important advantage of claim 39 that is different than Martinez. Thus claim 39 overcomes a specific disadvantage of Martinez.

**3. Cost:** Claim 39 likely is cheaper to build per se than Martinez because the claim is a pure system. The low cost to build of claim 39 is demonstrated in working models made by low cost software. The software retails for \$450 and is called "PowerPoint® 2007" which is part of the "Microsoft® Office Small Business 2007" suite containing 5 other programs.

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The low cost result of claim 39 is different than Martinez because he teaches machine parts called a "computer readable storage medium" and a "computer-usable medium". In addition Martinez's invention has numerous parts, steps and functions as discussed in the above subheading "1. Omission of Elements: ". Thus Martinez's machine parts and numerous elements are likely many times more costly to build than the pure system of claim 39.

**4. Speed:** Claim 39 is able to do a job faster than Martinez because the claim recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word." Claim 39 requires the fast step of simply placing a cursor over a word to present its sense of a word. Claim 39 is a benefit because its speed advantage is important in computer innovations. The speed result of claim 39 is different than Martinez. Martinez recites 2 steps in his independent claim 1 to display his similar items, and at least 1 more step such as for replacement. His independent claims 11, 18, and 28 also recite the same steps as independent claim 1.

Claim 1 of Martinez recites "A computer-implemented method of providing access to a database, said method comprising: providing a recursive search process that includes a-d below: a. **responsive** to a cursor's position, identifying a target item; b. searching a database for items similar to said target item; c. providing an indicator, near said target item's position, to show the existence of similar items in said database; and d. **responsive** to a command for access, providing access to said similar items; applying, to a first item in a main application, said recursive search process, **wherein any one of said similar items may become** said target item for said recursive search process; and **responsive** to a command for replacement, replacing said first item with an item from said database."

Although Martinez's at least 2 user action steps do not take a long time, it is significant compared to claim 39. The speed result of claim 39 is demonstrated in working models in which simply placing a cursor over a word is all that is required.

**5. Ease of Use:** Claim 39 is easier to learn and use than Martinez because the claim recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word." Claim 39 shows an ease of use because it requires simply placing a cursor over a word to present its sense of a word contained in a pop up digital space. This ease of use advantage is especially important for a computer innovation like

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claim 39 because it enables a person to use the computer more facilely, and this counts a great deal.

The ease of use result of claim 39 is different than Martinez because his invention is significantly harder to learn and use. Martinez, for example, requires the learning to use of his numerous parts, steps and functions like the recursive search process, recursive annotation function, and recursive pop-up display function. The numerous other elements of Martinez are discussed in the above subheading "1. Omission of Elements:". Thus claim 39 has an ease of use result over Martinez. The ease of use of claim 39 is demonstrated in working models in which simply placing a cursor over a word is all that is required.

**6. Ease of Production:** Claim 39 per se and it's a pure system is easier and cheaper to produce than Martinez. The ease of production of claim 39 is demonstrated in working models made by basic software. In contrast Martinez teaches machine parts called a "computer readable storage medium" and a "computer-usable medium". In addition Martinez teaches complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function that needs significant programming to produce. Martinez's invention has numerous other parts, steps and functions as discussed in the above subheading "1. Omission of Elements:". Thus the ease of production result of claim 39 is different than the significantly more difficult to produce invention of Martinez.

**7. Novelty:** Claim 39 has novelty results over Martinez because the claim recites "offering a sense of said word;".

Martinez does **not** teach "a sense of said word" of claim 39 anywhere in his invention. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 39 are different than Martinez and all previously known counterparts as of the applicant's filing date. Thus claim 39 has novelty results over Martinez.

**8. Convenience/Mechanization:** Claim 39 makes living easier and more convenient because the claim recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word." Claim 39 is more convenient than Martinez because the claim simply requires the single computerized step of placing a cursor over a word to present its sense of a word. Instead Martinez's at least 2 user action steps make his invention much less convenient than claim 39. In addition Martinez

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requires numerous parts, steps and functions that take much more time to use which is not convenient. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus the convenience and mechanization result of claim 39 is different than Martinez.

**9. Social Benefit:** Claim 39 has greater social benefits than Martinez because the claim provides important educational results. Claim 39 and it's "a sense of said word" has more educational value than Martinez and his significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 39 is different than Martinez.

**10. Ecology:** Claim 39 has great potential to provide ecology benefits because it does not emphasize or require the printing of paper. Paper is from organic matter, in most cases from trees, which are a limited and important natural resource. Claim 39 provides a pop up digital space that contains a sense of a word on a computer screen, and is a pure system. The ecology result of claim 39 is critical and different than Martinez because he teaches the use of printers, the print function, as well as producing machine parts called a "computer readable storage medium" and a "computer-usable medium". Thus the production of machine parts and the print functions of Martinez create significantly more stress on the ecology than the pure system of claim 39.

**11. Salability:** Claim 39 is easier to sell and market than Martinez because the claim recites "offering a sense of said word; and". The "sense of said word" of claim 39 is common and meets the everyday needs of people. The salability of claim 39 is evident because products and services using the claim are already selling on the market. The companies using claim 39 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B.

Further claim 39 and it's "a sense of said word" has more educational value than Martinez and his significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar"

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in order to use one for replacement. Thus the salability result of claim 39 is different than Martinez.

**12. Precision:** Claim 39 provides greater precision than Martinez. Claim 39 and its "a sense of said word" has significantly more precise information for a word than Martinez's items that are merely "similar" to the target item. Thus the precision result of claim 39 is different than Martinez.

**13. Market Size:** Claim 39 likely has a significantly larger market size than Martinez. Claim 39 and its "a sense of said word" has educational value, is common to many people and meets the everyday needs of the market. Instead Martinez teaches his significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. In addition products and services using claim 39 are already selling on the market. The companies using claim 39 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. Thus the market size result of claim 39 is different than Martinez.

**14. Potential Competition:** Claim 39 recites "offering a sense of said word". Claim 39 is demonstrated in working models that were so simple and easy to produce, that it took about 2 hours, with standard software and a laptop computer. Since claim 39 is so simple and common to the everyday needs of people that, as a result, many imitators and copiers are likely to attempt to copy it, and design around it, and try to break the patent as soon as it is brought out. The potential competition result of claim 39 is different than Martinez because his invention has the significantly less useful "items similar to the target item". Martinez is significantly harder to produce with his machine parts called a "computer readable storage medium" and "computer-usable medium" and the complicated recursive search process, recursive annotation function, and recursive pop-up display function. Thus Martinez is not likely to be imitated or copied by potential competition.

**15. Quality:** Claim 39 and its "a sense of said word" has significantly higher quality than Martinez's items that are merely "similar" to the target item. Thus claim 39 has a quality result over Martinez.

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**16. Long Life Cycle:** Claim 39 has a potentially long life cycle that can be made and sold for many years because it's a sense of a word is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the significantly less useful and less promising "items similar to the target item". Thus the long life cycle result of claim 39 is different than Martinez.

**17. Satisfies Existing Need:** Claim 39 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word." Claim 39 will satisfy an existing, recognized need because it provides the educational "a sense of said word" in a simple, convenient, and unique system. The "a sense of said word" of claim 39 is common to many people and meets their everyday needs. Martinez does not satisfy the existing need of claim 39 because he does **not** teach the claim's "a sense of said word".

Instead Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement.

Products and services using claim 39 are already selling on the market. The companies using claim 39 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. Thus the existing need result of claim 39 is different than Martinez.

**18. Development:** Claim 39 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word." Claim 39 per se is already designed for the market because its lean structure and pure system for providing its sense of a word will not require significant development. The development result of claim 39 is demonstrated in working models that took about 2 hours to produce. The models were produced using standard low cost software, a laptop computer, and a few techniques. The development result of claim 39 is different than Martinez because his numerous parts, steps, and functions require substantial additional programming and appearance work to develop. Martinez needs significant development for his machine parts called "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function. The numerous

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elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez needs significantly more development than claim 39.

**19. Operability:** Claim 39 per se and its pure system likely will work readily as demonstrated by working models made by basic inexpensive software. Products and services using claim 39 are already selling on the market. The companies using claim 39 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The ready operability result of claim 39 is different than Martinez. Martinez teaches machine parts called a "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez likely has a significantly less ready operability result than claim 39.

**20. Profitability:** Claim 39 likely is easy to sell at a profit or at an acceptable price level because its lean structure and pure system requires no expensive and difficult development tooling or expensive exotic materials to build. Claim 39 is demonstrated in working models made by basic inexpensive software. The profitability result of claim 39 is different than Martinez because he requires expensive tooling to produce his machine parts called "computer readable storage medium", "computer-usable medium" as well as numerous other elements to build that are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez likely has a significantly less profitability result than claim 39.

**21. Inertia Need Not Be Overcome:** Claim 39 recites "offering a sense of said word; and". Potential manufacturers, users, and sellers of claim 39 will not manifest inertia because products and services using the claim are already selling on the market. The companies using claim 39 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The inertia result of claim 39 is different than Martinez because his not compellingly practical "items similar to the target item" likely must overcome significant inertia.

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**22. Minimal Learning Required:** People will have to undergo minimal or no learning in order to use claim 39 because the claim recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.” Simply placing a cursor over a word of claim 39 requires minimal or no learning and this is a strong advantage. Instead Martinez requires learning the intricacies of the lookup functions, recursive search process, recursive annotation function, and recursive pop-up display function. In addition Martinez requires numerous other parts, steps and functions that take significant learning to use. The numerous elements of Martinez are discussed in the above subheading “1. Omission of Elements: “. Claim 39 is demonstrated in working models in which simply placing a cursor over a word is all that is required. Thus the minimal or no learning result of claim 39 is different than Martinez.

**23. Easy to Promote:** Claim 39 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.” As of the applicant’s filing date, claim 39 solves the omnipresent problem of the slow, time consuming, and often boring task of looking up a sense of a word. Claim 39 per se with its fast, pure system, high visibility, and educational advantages makes it cheap and easy to market, and these are clear advantages. The easy to promote results of claim 39 are different than Martinez. Martinez’s “items similar to the target item” is slower, more expensive, and significantly less educational and less useful than claim 39. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez is likely harder to promote than claim 39.

**24. Presence of Market:** Claim 39 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.” Claim 39 presents the educational “a sense of said word” in a simple, convenient, and unique method. The “sense of said word” of claim 39 has an everyday usefulness. Martinez does not teach claim 39 and it’s “a sense of said word”. Instead Martinez provides the significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Products and services using claim 39 are already selling on the market. The companies using claim 39 have been sent infringement notifications, and some have replied in acknowledgement.



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One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The presence of market result of claim 39 is different than Martinez because his not compellingly practical "items similar to the target item" likely has a much smaller presence of market.

**25. Prototype Availability:** Claim 39 has prototypes available and demonstrated in working models. The prototypes of claim 39 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**26. Broad Patent Coverage Available:** Claim 39 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 39 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 39 performs the unique functions of "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word." Martinez does **not** teach claim 39 anywhere in his invention. Instead Martinez provides the unique and significantly less useful "items similar to the target item". Thus, the likely broad patent coverage result of claim 39 is different than Martinez.

**27. High Sales Anticipated:** Claim 39 per se can anticipate a high sales volume because its lean structure and system for providing "a sense of said word" is very educational, useful, convenient, cheap to produce, and easy to market. The high sales anticipated of claim 39 is evident because products and services using the claim are already selling in high volumes. The companies using claim 39 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales volumes from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. Claim 39 is different than Martinez because his invention is significantly more complex, expensive to produce, and less convenient. In addition Martinez's significantly less useful "items similar to the target item" is not profoundly practical. Hence Martinez is harder to market than claim 39. Thus Martinez's invention likely does not have a high sales anticipated result.

**28. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 39 likely will appeal to young people because the claim is very useful for

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young people to learn about a word. Claim 39 provides “a sense of said word” in a simple and convenient manner that helps the learning experience. Claim 39 is important for the purposes of learning and education. Claim 39 is valuable because higher education is often a priority of young people.

Claim 39 will likely command more sales of the youth market than the significantly less educational and less useful “items similar to the target item” of Martinez. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 39 is different than Martinez.

**29. Unexpected Results:** The results achieved by claim 39 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because it recites, in part, “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.” Claim 39 and its unexpected results did not exist as of the applicant’s filing date. Martinez does **not** teach the unexpected result of claim 39.

**30. Crowded Art:** Claim 39 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 39 provides the small step forward in the crowded art of “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word”. Martinez provides the different small step forward of displaying the unique “items similar to the target item” in the crowded art.

**31. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 39. Claim 39 recites “offering a sense of said word; and”. Martinez does **not** teach claim 39 and it’s “a sense of said word”. Instead Martinez teaches the different and significantly less useful “items similar to the target item”. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 39.

**32. Unappreciated Advantage:** Martinez and those skilled in the art never appreciated the advantages of claim 39 did not exist as of the applicant’s filing date, although it is inherent. The advantages of claim 39 are providing “a sense of said word” in a unique system that is fast, convenient and educational. Martinez does **not** teach claim 39 and its educational “a sense of said word”. Instead Martinez teaches providing the different and significantly less educational

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“items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus claim 39 has unappreciated advantages not taught by Martinez and the prior art.

**33. Poor Reference:** Martinez is a poor reference to claim 39. Martinez does **not** teach “a sense of said word” of claim 39. Hence Martinez and his “items similar to the target item” are vague, foreign and conflicting to claim 39. Thus Martinez is a weak reference to claim 39 and should be construed narrowly.

**34. Lack of Implementation:** Claim 39 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.” Claim 39 provides a “sense of said word” in a system that is fast, convenient and educational. Further Martinez and those skilled in the art do **not** teach a “sense of said word” of claim 39. If claim 39 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant’s filing date. The fact that Martinez and those skilled in the art have not implemented claim 39, despite its great advantages, indicates that it is not obvious.

**35. Solution of Long-Felt and Unsolved Need:** Claim 39 solves a long felt, long existing, but unsolved need. The long existing need claim 39 addresses was not previously solved. Claim 39 presents it’s “a sense of said word” in a unique, fast and convenient system. Claim 39 provides a solution to an educational need that is common to many people and meets their everyday needs. Martinez does **not** teach claim 39 and it’s “a sense of said word”. Instead Martinez solves the different need of providing the unique and significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the unsolved need result of claim 39 is different than Martinez.

**36. Contrarian Invention:** Claim 39 is contrary to the teachings of Martinez. Claim 39 and its educational “a sense of said word” goes against the grain of what Martinez teaches. Instead Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Further Martinez does **not** teach “a sense of said word” of claim 39. Thus claim 39 has contrarian results over Martinez.

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**37. Solved Different Problem:** Claim 39 solves a different problem than Martinez, and such different problem is recited in the claim of “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains said sense of said word.” Claim 39 solves an educational problem by presenting a “sense of said word” in a simple and convenient manner. Martinez does **not** teach a “sense of said word” of claim 39. Instead Martinez solves the different problem of providing the unique and significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 39.

**From the reasons discussed**, the applicant submits that independent claim 39 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly, the applicant submits that independent claim 39 is allowable over Martinez and solicits allowance.

**New Dependent Claim 40 is Submitted Under § 112**

New dependent claim 40 recites:

“The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a part of speech for said word.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”

Claim 40 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 further comprising:” is added to recite the title of referred claim 39, and to make claim 40 clear, precise and logical under § 112, second paragraph.
2. The “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a part of speech for said word.” is added to make claim 40 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 40 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 40 under 35 U.S.C. § 112.

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**New Dependent Claim 40 is Novel Over Martinez Under § 102**

Claim 40 recites: "The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a part of speech for said word."

The reasons that claim 40 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of "New Independent Claim 39 is Novel Over Martinez Under § 102".

The applicant submits claim 40 is novel over Martinez for the following reasons:

1. Claim 40 recites "further comprising: when said cursor is placed over said word on said screen, displaying, said pop up digital space that substantially contains a part of speech for said word."

Martinez does **not** describe claim 40 and it's "**a part of speech**" anywhere in his invention.

Thus claim 40 recites a novel physical feature that distinguishes over Martinez.

2. Claim 40 recites "said pop up digital space substantially contains a part of speech for said word."

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 40 is novel over Martinez because the claim's "part of speech for said word" has the preposition "**for**" which means "**with respect to**" (said word).

Instead Martinez describes "items similar to the target item" that has the preposition "**to**" which **does not** mean "**with respect to**" (the target item). Hence Martinez and his "items similar to the target item" is less about its "target item" than claim 40 and its "part of speech **for** said word".

Claim 40 and its "part of speech **for** said word" is all about "said word", since as mentioned, the "**for**" means "with respect to" (said word).

Thus claim 40 is novel and distinguishes over Martinez.

3. Claim 40 recites "said pop up digital space substantially contains a part of speech for said word."

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Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 40 and its "**a part of speech for said word**" is novel over Martinez and his "**items similar to said target item**". This is because claim 40 and its part of speech for a word distinguish over Martinez and his items that are **merely** "similar" to the target item.

Thus claim 40 recites a novel physical feature that distinguishes over Martinez.

4. Claim 40 recites "a part of speech for said word."

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 40 and its "**a part of speech for said word**" is novel over Martinez and his "**items similar to said target item**". This is because claim 40 and its "**a part of speech**" is a **direct** meaning for a word that distinguishes over Martinez and his "**items**" that are **merely** "**similar to the target item**".

Thus claim 40 recites a novel physical feature that distinguishes over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 40 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

#### **Dependent Claim 40 Is A Fortiori Patentable Over Martinez**

Dependent claim 40 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 40 incorporates all the limitations of independent claim 39, claim 40 is patentable for the same reasons given with respect to claim 39. Claim 40 is even more patentable because it adds an additional element.

Claim 40 recites: "The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a part of speech for said word."

The new and unexpected results that flow from the novel physical features of claim 40 are discussed in the following reasons:

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**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 40 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 40 is simpler than Martinez without loss of capability. Claim 40 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 40 has novelty results over Martinez because the claim recites "a part of speech for said word".

Martinez does not teach claim 40 and it's "a part of speech" anywhere in his invention. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 40 are different than Martinez and all previously known counterparts as of the applicant's filing date. Thus claim 40 has novelty results over Martinez.

**3. Social Benefit:** Claim 40 has greater social benefits than Martinez because the claim provides important educational results. Claim 40 and its "a part of speech for said word" has more educational value than Martinez and his significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 40 is different than Martinez.

**4. Salability:** Claim 40 is easier to sell and market than Martinez because the claim recites "said pop up digital space substantially contains a part of speech for said word." The salability of claim 40 is evident because products and services using the claim are already selling on the market. The companies using claim 40 have been sent infringement notifications, and some have

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replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B.

Claim 40 and it's "a part of speech for said word" has more educational value than Martinez and his significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the salability result of claim 40 is different than Martinez's likely much less salability result.

**5. Precision:** Claim 40 provides greater precision than Martinez. Claim 40 and it's "part of speech for said word" has significantly more precise information about a word than Martinez's items that are merely "similar" to the target item. Thus the precision result of claim 40 is different than Martinez.

**6. Long Life Cycle:** Claim 40 has a potentially long life cycle that can be made and sold for many years because it's "a part of speech for said word" is passed from generation to generation. This is an obvious strong advantage. Martinez does not teach the "a part of speech" of claim 40. Instead Martinez provides the significantly less promising "items similar to the target item". Thus the long life cycle result of claim 40 is different than Martinez.

**7. Inertia Need Not Be Overcome:** Claim 40 recites "a part of speech for said word." Potential manufacturers, users, and sellers of claim 40 will not manifest inertia because products and services using the claim are already selling on the market. The companies using claim 40 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The inertia result of claim 40 is different than Martinez because his machine parts called a "computer readable storage medium", "computer-usable medium" requires significant manufacturing and likely must overcome significant inertia.

**8. Presence of Market:** Claim 40 recites "a part of speech for said word." Claim 40 has a market that already exists because computers are ubiquitous and popular machines and its "a part of speech for said word" have an everyday usefulness and educational advantages. The presence of market of claim 40 is evident because products and services using the claim are already selling



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on the market. The companies using claim 40 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The presence of market result of claim 40 is different than Martinez because his "items similar to the target item" is significantly less educational. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus Martinez likely has a much smaller presence of market than claim 40.

**9. Prototype Availability:** Claim 40 has prototypes available and demonstrated in working models. The prototypes of claim 40 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**10. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 40 likely will appeal to young people because the claim is very useful for young people to learn about "a part of speech" for a word. Claim 40 is important for the purposes of learning and education. Claim 40 is valuable because higher education is often a priority of young people.

Claim 40 will likely command more sales of the youth market than the significantly less educational and less useful "items similar to the target item" of Martinez. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Furthermore Martinez does not teach targeting the youth market. Thus the youth market result of claim 40 is different than Martinez.

**11. Unexpected Results:** The results achieved by claim 40 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its "said pop up digital space substantially contains a part of speech for said word" did not exist as of the applicant's filing date. Martinez does not teach the unexpected results of claim 40.

**12. Crowded Art:** Claim 40 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 40 provides the small step forward of "said pop up digital space substantially contains a part of speech for said word" in the crowded

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art. Martinez provides the different small step forward of displaying the unique “items similar to the target item” in the crowded art.

**13. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 40. Martinez does **not** teach claim 40 and it’s “a part of speech for a word”. Instead Martinez teaches the different “items similar to the target item”. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 40.

**14. Poor Reference:** Martinez is a poor reference to claim 40. Martinez does **not** teach “a part of speech” of claim 40. Hence Martinez and his “items similar to the target item” are vague, foreign, and conflicting to claim 40 and it’s “a part of speech for said word”. Thus Martinez is a weak reference to claim 40 and should be construed narrowly.

**15. Contrarian Invention:** Claim 40 is contrary to the teachings of Martinez. Claim 40 and its educational “a part of speech for said word” goes against the grain of what Martinez teaches. Instead Martinez teaches the significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Further Martinez does **not** teach “a part of speech for said word” of claim 40. Thus claim 40 has a contrarian result over Martinez.

**16. Solved Different Problem:** Claim 40 solves a different problem than Martinez, and such different problem is recited in the claim of “said pop up digital space substantially contains a part of speech for said word.” Claim 40 solves an educational problem by providing a part of speech for a word in a simple and convenient manner. Instead Martinez solves the problem of providing the different and significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 40.

**From the reasons discussed,** the applicant submits that claim 40 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 40 is a fortiori patentable and should also be allowed.

**New Dependent Claim 41 is Submitted Under § 112**

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New dependent claim 41 recites:

“The system of claim 39 wherein: said pop up digital space substantially includes a definition for said word.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez:”.

Claim 41 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 wherein:” is added to recite the title of referred claim 39, and to make claim 41 clear, precise and logical under § 112, second paragraph.
2. The “said pop up digital space substantially includes a definition for said word.” is added to make claim 41 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 41 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 41 under 35 U.S.C. § 112.

**New Dependent Claim 41 is Novel Over Martinez Under § 102**

Claim 41 recites: “The system of claim 39 wherein: said pop up digital space substantially includes a definition for said word.”

The reasons that claim 41 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of “New Independent Claim 39 is Novel Over Martinez Under § 102”.

The applicant submits claim 41 is novel over Martinez for the following reasons:

1. Claim 41 recites “said pop up digital space substantially includes a definition for said word.” Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210’s position, to show the existence of similar items in said database.”

Claim 41 is novel over Martinez because the claim’s “definition for said word” has the preposition “**for**” which means “**with respect to**” (said word).

Instead Martinez describes “items similar to the target item” that has the preposition “**to**” which **does not mean “with respect to”** (the target item). Hence Martinez and his “items similar to the target item” is less about its “target item” than claim 41 and its “definition **for** said word”.

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Claim 41 and its “definition **for** said word” is all about “said word”, since as mentioned, the “**for**” means “with respect to” (said word).

Thus claim 41 is novel and distinguishes over Martinez.

2. Claim 41 recites “said pop up digital space substantially includes a definition for said word.”

Instead Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”

Claim 41 and it's “a **definition** for said word” is novel over Martinez and his “**items similar to said target item**”. This is because claim 41 and it's a definition for a word distinguishes over Martinez and his “**items**” that are **merely “similar to the target item”**.

Thus claim 41 recites a novel physical feature that distinguishes over Martinez.

3. Claim 41 recites “said pop up digital space substantially includes a definition for said word.”

Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”

Claim 41 and its “a **definition** for said word” is novel over Martinez and his “**items similar to said target item**”. This is because claim 41 and its “a **definition**” is a **direct** meaning for a word that distinguishes over Martinez and his “**items**” that are **merely “similar to the target item”**.

Thus claim 41 recites a novel physical feature that distinguishes over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 41 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

#### **Dependent Claim 41 Is A Fortiori Patentable Over Martinez**

Dependent claim 41 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 41 incorporates all the limitations of independent claim 39, claim 41 is patentable for the same reasons given with respect to claim 39. Claim 41 is even more patentable because it adds an additional element.

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Claim 41 recites: "The system of claim 39 wherein: said pop up digital space substantially includes a definition for said word."

The new and unexpected results that flow from the novel physical features of claim 41 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 41 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 41 is simpler than Martinez without loss of capability. Claim 41 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 41 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. Martinez does not teach claim 41 and it's "wherein: said pop up digital space substantially includes a definition for said word". Thus the novelty result of claim 41 is different than Martinez and all previously known counterparts as of the applicant's filing date.

**3. Social Benefit:** Claim 41 has greater social benefits than Martinez because the claim provides important educational results. Claim 41 and its "a definition for said word" has more educational value than Martinez and his significantly less educational and less useful "items similar to the target item".

This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 41 is different than Martinez.

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**4. Salability:** Claim 41 is easier to sell and market than Martinez because the claim recites "said pop up digital space substantially includes a definition for said word." The "definition for said word" of claim 41 is common to many people and meets their everyday needs. The salability of claim 41 is evident because products and services using the claim are already selling on the market. The companies using claim 41 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B.

Claim 41 and its "a definition for said word" has more educational value than Martinez and his significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the salability result of claim 41 is different than Martinez's likely much less salability result.

**5. Precision:** Claim 41 provides greater precision than Martinez. Claim 41 and its "a definition for said word" has significantly more precise information than Martinez and his items that are merely "similar" to the target item. Thus the precision result of claim 41 is different than Martinez.

**6. Market Size:** Claim 41 likely has a significantly larger market size than Martinez. Claim 41 and its "a definition for said word" very educational, is common to many people and meets the everyday needs of the market. The market size of claim 41 is evident because products and services using the claim are already selling on the market. The companies using claim 41 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B.

Claim 41 and its "definition for said word" has more educational value than Martinez and his significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the market size result of claim 41 is different than Martinez.

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**7. Quality:** Claim 41 and it's "a definition for said word" has significantly higher quality than Martinez's items that are **merely** "similar" to the target item. Thus claim 41 has a quality result over Martinez.

**8. Long Life Cycle:** Claim 41 has a potentially long life cycle that can be made and sold for many years because it's "a definition for said word" is passed from generation to generation. This is an obvious strong advantage. Instead Martinez provides the significantly less useful and less promising "items similar to the target item". Thus the long life cycle result of claim 41 is different than Martinez.

**9. Satisfies Existing Need:** Claim 41 will satisfy an existing, recognized need because it provides "a definition for a word" in a convenient "pop up digital space". Claim 41 is common to many people and meets their everyday needs. Products and services using claim 41 are already selling on the market. The companies using claim 41 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. Instead Martinez provides the significantly less convenient and less useful "items similar to the target item". Thus the existing need result of claim 41 is different than Martinez.

**10. Profitability:** Claim 41 likely is easy to sell at a profit or at an acceptable price level because its system claim requires no expensive and difficult development tooling or expensive exotic materials to build. Claim 41 is demonstrated in working models made by basic inexpensive software. In addition claim 41 and it's "a definition for said word" have educational value and is common to many people and meets their everyday needs. The profitability result of claim 41 is different than Martinez because he requires expensive tooling to produce his machine parts called "computer readable storage medium", "computer-usable medium" as well as numerous other elements to build that are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez likely has a significantly less profitability result than claim 41.

**11. Inertia Need Not Be Overcome:** Claim 41 and it's "a definition for said word" has educational value and is common to many people and meets their everyday needs. Potential manufacturers, users, and sellers of claim 41 will not manifest inertia because products and services using the claim are already selling on the market. The companies using claim 41 have

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been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The inertia result of claim 41 is different than Martinez because his "items similar to the target item" is significantly less educational and less useful. In addition Martinez and his machine parts called a "computer readable storage medium", "computer-usable medium" requires significant manufacturing. Thus Martinez likely must overcome significant inertia that is different than claim 41.

**12. Easy to Promote:** Claim 41 recites "said pop up digital space substantially includes a definition for said word." Claim 41 with its educational value that is common to many people and meets their everyday needs and high visibility makes it easy to market, and this is a clear advantage. The easy to promote results of claim 41 are different than Martinez: Martinez's "items similar to the target item" is significantly less educational and less useful than claim 41. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus Martinez is likely harder to promote than claim 41.

**13. Presence of Market:** Claim 41 recites "a definition for said word." Claim 41 has a market that already exists because computers are ubiquitous and popular machines and its definition for a word have an everyday usefulness. The presence of market of claim 41 is evident because products and services using the claim are already selling on the market. The companies using claim 41 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The presence of market result of claim 41 is different than Martinez because his "items similar to the target item" is significantly less useful and likely has a much smaller presence of market.

**14. Prototype Availability:** Claim 41 has prototypes available and demonstrated in working models. The prototypes of claim 41 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**15. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this



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age group. Claim 41 likely will appeal to young people because the claim is very useful for young people to learn about “a definition” for a word. Claim 41 is important for the purposes of learning and education. Claim 41 is valuable because higher education is often a priority of young people.

Claim 41 will likely command more sales of the youth market than the significantly less educational and less useful “items similar to the target item” of Martinez. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 41 is different than Martinez.

**16. Unexpected Results:** The results achieved by claim 41 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because its “said pop up digital space substantially includes a definition for said word” did not exist as of the applicant’s filing date. Martinez does **not** teach the unexpected results of claim 41.

**17. Crowded Art:** Claim 41 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 41 provides the small step forward of “said pop up digital space substantially includes a definition for said word.” This is a small step forward in the crowded art. Martinez provides the different small step forward of displaying the unique “items similar to the target item” in the crowded art.

**18. Poor Reference:** Martinez is a poor reference to claim 41. Martinez’s “items similar to the target item” are vague, foreign and conflicting to claim 41 and it’s “a definition for said word”. Thus Martinez is a weak reference to claim 41 and should be construed narrowly.

**19. Contrarian Invention:** Claim 41 is contrary to the teachings of Martinez. Claim 41 and its educational “said pop up digital space substantially includes a definition for said word” goes against the grain of what Martinez teaches. Instead Martinez teaches the significantly less educational “items similar to the target item” in a pop-up window. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus claim 41 has contrarian results over Martinez.

**20. Solved Different Problem:** Claim 41 solves a different problem than Martinez, and such different problem is recited in the claim of “said pop up digital space substantially includes a definition for said word.” Claim 41 solves an educational problem by showing a definition for a

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word in a simple and convenient manner. Instead Martinez solves the problem of providing the different and significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 41.

**From the reasons discussed**, the applicant submits that claim 41 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 41 is a fortiori patentable and should also be allowed.

**New Dependent Claim 42 is Submitted Under § 112**

New dependent claim 42 recites:

“The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez:”.

Claim 42 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 further comprising:” is added to recite the title of referred claim 39, and to make claim 42 clear, precise and logical under § 112, second paragraph.
2. The “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration.” is added to make claim 42 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 42 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 42 under 35 U.S.C. § 112.

**New Dependent Claim 42 is Novel Over Martinez Under § 102**

Claim 42 recites: “The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration.”

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The reasons that claim 42 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of "New Independent Claim 39 is Novel Over Martinez Under § 102".

The applicant submits claim 42 is novel over Martinez for the following reasons:

1. Claim 42 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration". Claim 42 is novel over Martinez because he does **not** describe "**an illustration**" of the claim anywhere in his invention.

Thus claim 42 recites novel physical features that distinguish over Martinez.

2. Claim 42 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration".

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 42 is novel over Martinez because his "**items similar to the target item**" are necessarily **all word(s)**. Instead claim 42 recites a "**word**" and "**an illustration**".

Thus claim 42 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 42 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 42 Is A Fortiori Patentable Over Martinez**

Dependent claim 42 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 42 incorporates all the limitations of independent claim 39, claim 42 is patentable for the same reasons given with respect to claim 39. Claim 42 is even more patentable because it adds an additional element.

Claim 42 recites: "The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration."

The new and unexpected results that flow from the novel physical features of claim 42 are discussed in the following reasons:

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**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 42 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 42 is simpler than Martinez without loss of capability. Claim 42 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 42 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. Martine does **not** teach claim 42 and it's specific "an illustration" anywhere in his invention. Thus claim 42 has novelty results over Martinez.

**3. Social Benefit:** Claim 42 has greater social benefits than Martinez because the claim provides important educational results. Claim 42 and its "said pop up digital space that substantially contains an illustration" can have much more educational value than Martinez. Claim 42 can present an illustration, which has extremely high informational content, to learn about a word. In contrast Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 42 is different than Martinez.

**4. Precision:** Claim 42 can provide greater precision than Martinez. Claim 42 and its "said pop up digital space that substantially contains an illustration" have significantly more precise information for a word than Martinez and his items that are **merely** "similar" to the target item. Thus the precision result of claim 42 is different than Martinez.

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**5. Quality:** Claim 42 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration”. Claim 42 can provide an illustration to learn about a word and this has much more educational quality than Martinez. Instead Martinez provides the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Also claim 42 and its “an illustration” has much higher quality and richer information for a word than Martinez and his “items similar to the target item”. This is because Martinez teaches that his “target item” and “items similar” are necessarily both word(s). Thus claim 42 has quality results over Martinez.

**6. Excitement:** Claim 42 provides consumer excitement because it recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration.” Claim 42 displays the creative and interesting “illustration” when a cursor is placed over a word that often is exciting for many people. Claim 42 is different than Martinez and his “items similar to the target item” which is probably boring for most people. Thus claim 42 has an excitement result over Martinez.

**7. Markup:** Since claim 42 is in an excitement category, it can command a very high markup which is a distinct selling advantage. The markup result of claim 42 is different than Martinez because his invention is not in an excitement category. Thus claim 42 has a markup result over Martinez.

**8. Operability:** Claim 42 per se will work readily as demonstrated by working models made by basic inexpensive software. The ready operability result of claim 42 is different than Martinez. Martinez teaches machine parts called a “computer readable storage medium”, “computer-usable medium”, and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading “1. Omission of Elements: “. Thus Martinez likely has a significantly less ready operability result than claim 42.

**9. Prototype Availability:** Claim 42 has prototypes available and demonstrated in working models. The prototypes show an illustration of a tiger when a cursor is placed over the word “tiger”. The prototypes of claim 42 will make it far easier to market since potential purchasers or

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licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**10. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 42 likely will appeal to young people because the claim can be very useful for young people to learn about a word. Claim 42 can provide "an illustration" about a word in a simple and convenient manner that helps the learning experience. Claim 42 is important for the purposes of learning and education. Claim 42 is valuable because higher education is often a priority of young people.

Claim 42 will likely command more sales of the youth market than the significantly less educational and less useful "items similar to the target item" of Martinez. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. In addition the "illustration" of claim 42 is likely more popular than something that is not attractive to young people such as Martinez's invention. The "items similar to the target item" of Martinez is probably boring for most young people. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 39 is different than Martinez.

**11. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 42. Martinez does **not** teach "an illustration" for a word of claim 42 anywhere in his invention.

Martinez teaches at (col. 4, In 47-53), "FIG. 4 illustrates further details of one possible user interface display annotated with a pop-up display, according to the teachings of the present invention. Responsive to said command for display, the invention displays similar items, at 430, in a pop-up window 420. The target item is highlighted, 410. A pop-up display, 420, shows similar items, 430, and provides access to said similar items 430."

Martinez shows in his Fig. 4, the target item 410 of "print" and a pop-up display 420 that shows the similar items 430 of "copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp".

Claim 42 is an unsuggested modification of Martinez because the claim's "an illustration" is displayed when a cursor is placed over a word. Instead Martinez and his "target item" and

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“items similar” are necessarily both word(s). Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 42.

**12. Poor Reference:** Martinez is a poor reference to claim 42. Claim 42 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an illustration.” Martinez is entirely foreign to claim 42 because he does **not** teach “an illustration” for a word of the claim anywhere in his invention. Thus Martinez is a weak reference to claim 42 and should be construed narrowly.

**13. Contrarian Invention:** Claim 42 is contrary to the teachings of Martinez. Claim 42 and its “said pop up digital space contains an illustration” go against the grain of what Martinez teaches. Claim 42 is contrary to Martinez because the claim recites a “word” and “an illustration”. Instead Martinez teaches the different “items similar to the target item”. Thus claim 42 has a contrarian result over Martinez.

**14. Solved Different Problem:** Claim 42 solves a different problem than Martinez, and such different problem is recited in the claim of “said pop up digital space that substantially contains an illustration”. Claim 42 can provide an illustration to learn about a word in a system that is fast, convenient, and that solves an educational problem. Instead Martinez solves the problem of providing the different and significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 42.

From the reasons discussed, the applicant submits that new claim 42 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 42 is a fortiori patentable and should also be allowed.

**New Dependent Claim 43 is Submitted Under § 112**

New dependent claim 43 recites:

“The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez:”.

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Claim 43 is newly added in the following ways with the accompanying reasons:

1. The "The system of Claim 39 further comprising:" is added to recite the title of referred claim 39, and to make claim 43 clear, precise and logical under § 112, second paragraph.
2. The "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph." is added to make claim 43 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 43 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 43 under 35 U.S.C. § 112.

**New Dependent Claim 43 is Novel Over Martinez Under § 102**

Claim 43 recites: "The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph."

The reasons that claim 43 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of "New Independent Claim 39 is Novel Over Martinez Under § 102".

The applicant submits claim 43 is novel over Martinez for the following reasons:

1. Claim 43 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph". Claim 43 is novel over Martinez because he does **not** describe "**a photograph**" of the claim anywhere in his invention.

Thus claim 43 recites a novel physical feature that distinguishes over Martinez.

2. Claim 43 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph".

Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 43 is novel over Martinez because his "**items similar to the target item**" are necessarily **all word(s)**. Instead claim 43 recites a "**word**" and "**an illustration**".

Thus claim 43 recites novel physical features that distinguish over Martinez.



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**Therefore** from the reasons discussed, the applicant submits that claim 43 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 43 Is A Fortiori Patentable Over Martinez**

Dependent claim 43 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 43 incorporates all the limitations of independent claim 39, claim 43 is patentable for the same reasons given with respect to claim 39. Claim 43 is even more patentable because it adds an additional element..

Claim 43 recites: "The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph."

The new and unexpected results that flow from the novel physical features of claim 43 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 43 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 43 is simpler than Martinez without loss of capability. Claim 43 is shown by drawing figures in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 43 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. Martine does not teach

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claim 43 and it's "a photograph" anywhere in his invention. Thus claim 43 has a novelty result over Martinez.

**3. Social Benefit:** Claim 43 has greater social benefits than Martinez because the claim provides important educational results. Claim 43 and its "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph" can have much more educational value than Martinez. Claim 43 can present a photograph, which has extremely high informational content, to learn about a word. In contrast Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 43 is different than Martinez.

**4. Precision:** Claim 43 provides greater precision than Martinez. Claim 43 and it's "a photograph" have significantly more precise information for a word than Martinez and his items that are merely "similar" to the target item. Thus the precision result of claim 43 is different than Martinez.

**5. Quality:** Claim 43 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph." Claim 43 can provide a photograph to learn about a word and this has much more educational quality than Martinez. Instead Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Also claim 43 and it's "a photograph" has much higher quality and richer information for a word than Martinez and his "items similar to the target item". This is because Martinez teaches that his "target item" and "items similar" are necessarily both word(s). Thus claim 43 has quality results over Martinez.

**6. Excitement:** Claim 43 provides consumer excitement because it recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph." Claim 43 displays the very interesting "photograph" when a cursor is placed over a word that often is exciting for many people. Claim 43 is different than Martinez and his "items similar to the target item" which is probably boring for most people. Thus claim 43 has an excitement result over Martinez.

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**7. Markup:** Since claim 43 is in an excitement category, it can command a very high markup which is a distinct selling advantage. The markup result of claim 43 is different than Martinez because his invention is not in an excitement category. Thus claim 43 has a markup result over Martinez.

**8. Operability:** Claim 43 per se and its "photograph" will not require significant technical development and will work readily. The ready operability result of claim 43 is different than Martinez. Martinez teaches machine parts called a "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements:". Thus Martinez likely has a significantly less ready operability result than claim 43.

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 43 likely will appeal to young people because the claim recites "a photograph". Claim 43 will likely command more sales of the youth market than Martinez. The "photograph" of claim 43 is likely more popular than something that is not attractive to young people such as Martinez's invention. The "items similar to the target item" of Martinez is probably boring for most young people. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 43 is different than Martinez.

**10. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 43. Martinez does **not** teach "a photograph" for a word of claim 43 anywhere in his invention.

Martinez teaches at (col. 4, In 47-53), "FIG. 4 illustrates further details of one possible user interface display annotated with a pop-up display, according to the teachings of the present invention. Responsive to said command for display, the invention displays similar items, at 430, in a pop-up window 420. The target item is highlighted, 410. A pop-up display, 420, shows similar items, 430, and provides access to said similar items 430."

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Martinez shows in his Fig. 4, the target item 410 of "print" and a pop-up display 420 that shows the similar items 430 of "copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp".

Claim 43 is an unsuggested modification of Martinez because the claim's "a photograph" is displayed when a cursor is placed over a word. Instead Martinez and his "target item" and "items similar" are necessarily both word(s). Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 43.

**11. Poor Reference:** Martinez is a poor reference to claim 43. Claim 43 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a photograph." Martinez is entirely foreign to claim 43 because he does **not** teach "a photograph" for a word of the claim anywhere in his invention. Thus Martinez is a weak reference to claim 43 and should be construed narrowly.

**12. Contrarian Invention:** Claim 43 is contrary to the teachings of Martinez. Claim 43 and its "said pop up digital space that substantially contains a photograph" go against the grain of what Martinez teaches. Claim 43 is contrary to Martinez because the claim recites a "word" and "a photograph". Instead Martinez teaches the different "items similar to the target item". Thus claim 43 has a contrarian result over Martinez.

**13. Solved Different Problem:** Claim 43 solves a different problem than Martinez, and such different problem is recited in the claim of "said pop up digital space that substantially contains a photograph." Claim 43 solves the problem of providing rich and precise information with its "a photograph". Martinez does **not** teach "a photograph" of claim 43. As a result Martinez solves the different problem of providing "items similar" to replace the target item. Thus Martinez and his replacement operation solve a different problem than claim 43.

**From the reasons discussed,** the applicant submits that new claim 43 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 43 is a fortiori patentable and should also be allowed.

**New Dependent Claim 44 is Submitted Under § 112**

New dependent claim 44 recites:

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“The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez:”.

Claim 44 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 further comprising:” is added to recite the title of referred claim 39, and to make claim 44 clear, precise and logical under § 112, second paragraph.
2. The “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation.” is added to make claim 44 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 44 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 44 under 35 U.S.C. § 112.

**New Dependent Claim 44 is Novel Over Martinez Under § 102**

Claim 44 recites: “The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation.”

The reasons that claim 44 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of “New Independent Claim 39 is Novel Over Martinez Under § 102”.

The applicant submits claim 44 is novel over Martinez for the following reasons:

1. Claim 44 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation”. Claim 44 is novel over Martinez because he does **not** describe “**an animation**” of the claim anywhere in his invention.

Thus claim 44 recites a novel physical feature that distinguishes over Martinez.

2. Claim 44 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation”.

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Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 44 is novel over Martinez because his "**items similar to the target item**" are necessarily **all word(s)**. Instead claim 44 recites a "**word**" and "**an animation**".

Thus claim 44 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 44 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 44 Is A Fortiori Patentable Over Martinez**

Dependent claim 44 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 44 incorporates all the limitations of independent claim 39, claim 44 is patentable for the same reasons given with respect to claim 39. Claim 44 is even more patentable because it adds an additional element.

Claim 44 recites: "The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation."

The new and unexpected results that flow from the novel physical features of claim 44 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 44 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target

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item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements.

Thus claim 44 is simpler than Martinez without loss of capability. Claim 44 is shown in drawing figures in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 44 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. Martine does **not** teach claim 44 and it's "an animation" anywhere in his invention. Thus claim 44 has a novelty result over Martinez.

**3. Social Benefit:** Claim 44 has greater social benefits than Martinez because the claim provides important educational results. Claim 44 and its "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation" can have much more educational value than Martinez. Claim 44 can present an animation, which has extremely high informational content, to learn about a word. In contrast Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 44 is different than Martinez.

**4. Precision:** Claim 44 can provide greater precision than Martinez. Claim 44 and its "an animation" have significantly more precise information for a word than Martinez and his items that are **merely** "similar" to the target item. Thus the precision result of claim 44 is different than Martinez.

**5. Quality:** Claim 44 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation". Claim 44 can provide an animation to learn about a word and this has much more educational quality than Martinez. Instead Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Also claim 44 and it's "an animation" has much higher quality and richer information for a word than Martinez and his "items similar to the target item". This is because Martinez teaches that his "target item" and "items similar" are necessarily both word(s). Thus claim 44 has quality results over Martinez.

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**6. Excitement:** Claim 44 provides consumer excitement because it recites “when said cursor is placed over said word on said screen; displaying said pop up digital space that substantially contains an animation.” Claim 44 displays the creative and interesting “animation” when a cursor is placed over a word that often is exciting for many people. Claim 44 is different than Martinez and his “items similar to the target item” which is probably boring for most people. Thus claim 44 has an excitement result over Martinez.

**7. Markup:** Since claim 44 is in an excitement category, it can command a very high markup which is a distinct selling advantage. The markup result of claim 44 is different than Martinez because his invention is not in an excitement category. Thus claim 44 has a markup result over Martinez.

**8. Operability:** Claim 44 per se and its “animation” will not require significant technical development and will work readily. The ready operability result of claim 44 is different than Martinez. Martinez teaches machine parts called a “computer readable storage medium”, “computer-usable medium”, and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading “1. Omission of Elements:”. Thus Martinez likely has a significantly less ready operability result than claim 44.

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 44 likely will appeal to young people because the claim recites “an animation”. Claim 44 will likely command more sales of the youth market than Martinez. The “animation” of claim 44 is likely more popular than something that is not attractive to young people such as Martinez’s invention. The “items similar to the target item” of Martinez is probably boring for most young people. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 44 is different than Martinez.

**10. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 44. Martinez does **not** teach “an animation” for a word of claim 44 anywhere in his invention.



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Martinez teaches at (col. 4, In 47-53), "FIG. 4 illustrates further details of one possible user interface display annotated with a pop-up display, according to the teachings of the present invention. Responsive to said command for display, the invention displays similar items, at 430, in a pop-up window 420. The target item is highlighted, 410. A pop-up display, 420, shows similar items, 430, and provides access to said similar items 430."

Martinez shows in his Fig. 4, the target item 410 of "print" and a pop-up display 420 that shows the similar items 430 of "copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp".

Claim 44 is an unsuggested modification of Martinez because the claim's "an animation" is displayed when a cursor is placed over a word. Instead Martinez and his "target item" and "items similar" are necessarily both word(s). Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 44.

**11. Poor Reference:** Martinez is a poor reference to claim 44. Claim 44 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains an animation." Martinez is entirely foreign to claim 44 because he does not teach "an animation" for a word of the claim anywhere in his invention. Thus Martinez is a weak reference to claim 44 and should be construed narrowly.

**12. Contrarian Invention:** Claim 44 is contrary to the teachings of Martinez. Claim 44 and its "said pop up digital space that substantially contains an animation" go against the grain of what Martinez teaches.

Claim 44 is contrary to Martinez because the claim recites a "word" and "an animation". Instead Martinez teaches the different "items similar to the target item". Thus claim 44 has a contrarian result over Martinez.

**13. Solved Different Problem:** Claim 44 solves a different problem than Martinez, and such different problem is recited in the claim of "said pop up digital space that substantially contains an animation." Claim 44 solves the problem of providing rich information with its "an animation". Martinez does not teach "an animation" of claim 44. As a result Martinez solves the different problem of providing "items similar" to replace the target item. Thus Martinez and his replacement operation solve a different problem than claim 44.

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From the reasons discussed, the applicant submits that new claim 44 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 44 is a fortiori patentable and should also be allowed.

**New Dependent Claim 45 is Submitted Under § 112**

New dependent claim 45 recites:

“The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”.

Claim 45 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 further comprising:” is added to recite the title of referred claim 39, and to make claim 45 clear, precise and logical under § 112, second paragraph.
2. The “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video.” is added to make claim 45 clear, precise and logical under § 112, second paragraph:

The applicant submits that new claim 45 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 45 under 35 U.S.C. § 112.

**New Dependent Claim 45 is Novel Over Martinez Under § 102**

Claim 45 recites: “The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video.”

The reasons that claim 45 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of “New Independent Claim 39 is Novel Over Martinez Under § 102”.

The applicant submits claim 45 is novel over Martinez for the following reasons:

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1. Claim 45 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video”. Claim 45 is novel over Martinez because he does **not** describe “**a video**” of the claim anywhere in his invention.

Thus claim 45 recites a novel physical feature that distinguishes over Martinez.

2. Claim 45 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video”.

Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”

Claim 45 is novel over Martinez because his “**items similar to the target item**” are necessarily **all word(s)**. Instead claim 45 recites a “**word**” and “**a video**”.

Thus claim 45 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 45 is novel over

Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 45 Is A Fortiori Patentable Over Martinez**

Dependent claim 45 incorporates all the subject matter of independent claim 39 and adds

additional subject matter which makes the claim a fortiori and independently patentable over

Martinez, or any combination thereof.

Since claim 45 incorporates all the limitations of independent claim 39, claim 45 is patentable for the same reasons given with respect to claim 39. Claim 45 is even more patentable because it adds an additional element.

Claim 45 recites: “The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video.”

The new and unexpected results that flow from the novel physical features of claim 45 are discussed in the following reasons:

1. **Omission of Elements:** The numerous elements of Martinez that are omitted in claim 45 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command

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for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 45 is simpler than Martinez without loss of capability. Claim 45 is shown in drawing figures in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 45 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. Martine does **not** teach claim 45 and it's "a video" anywhere in his invention. Thus claim 45 has a novelty result over Martinez.

**3. Social Benefit:** Claim 45 has greater social benefits than Martinez because the claim provides important educational results. Claim 45 and its "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video" can have much more educational value than Martinez. Claim 45 can present a video, which has extremely high informational content, to learn about a word. In contrast Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 45 is different than Martinez.

**4. Precision:** Claim 45 can provide greater precision than Martinez. Claim 45 and its "said pop up digital space that substantially contains a video" have significantly more precise information for a word than Martinez and his items that are merely "similar" to the target item. Thus the precision result of claim 45 is different than Martinez.

**5. Quality:** Claim 45 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video". Claim 45 can provide a video to learn about a word and this has much more educational quality than Martinez. Instead Martinez provides the significantly less educational and less useful "items similar to the target

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item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Also claim 45 and it's "a video" has much higher quality and richer information for a word than Martinez and his "items similar to the target item". This is because Martinez teaches that his "target item" and "items similar" are necessarily both word(s). Thus claim 45 has quality results over Martinez.

**6. Excitement:** Claim 45 provides consumer excitement because it recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video." Claim 45 displays the creative and interesting "video" when a cursor is placed over a word that often is exciting for many people. Claim 45 is different than Martinez and his "items similar to the target item" which is probably boring for most people. Thus claim 45 has an excitement result over Martinez.

**7. Markup:** Since claim 45 is in an excitement category, it can command a very high markup which is a distinct selling advantage. The markup result of claim 45 is different than Martinez because his invention is not in an excitement category. Thus claim 45 has a markup result over Martinez.

**8. Operability:** Claim 45 per se and its "video" will not require significant technical development and will work readily. The ready operability result of claim 45 is different than Martinez. Martinez teaches machine parts called a "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez likely has a significantly less ready operability result than claim 45.

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 45 likely will appeal to young people because the claim recites "a video". Claim 45 will likely command more sales of the youth market than Martinez. The "video" of claim 45 is likely more popular than something that is not attractive to young people such as Martinez's invention. The "items similar to the target item" of Martinez is probably boring for

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most young people. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 45 is different than Martinez.

**10. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 45. Martinez does **not** teach “a video” for a word of claim 45 anywhere in his invention.

Martinez teaches at (col. 4, In 47-53), “FIG. 4 illustrates further details of one possible user interface display annotated with a pop-up display, according to the teachings of the present invention. Responsive to said command for display, the invention displays similar items, at 430, in a pop-up window 420. The target item is highlighted, 410. A pop-up display, 420, shows similar items, 430, and provides access to said similar items 430.”

Martinez shows in his Fig. 4, the target item 410 of “print” and a pop-up display 420 that shows the similar items 430 of “copy, indentation, mark, picture, photograph, engraving, letter, type, edition, in print, fix, impress, publish, engrave, stamp”.

Claim 45 is an unsuggested modification of Martinez because the claim’s “a video” is displayed when a cursor is placed over a word. Instead Martinez and his “target item” and “items similar” are necessarily both word(s). Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 45.

**11. Poor Reference:** Martinez is a poor reference to claim 45. Claim 45 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a video.” Martinez is entirely foreign to claim 45 because he does **not** teach “a video” for a word of the claim anywhere in his invention. Thus Martinez is a weak reference to claim 45 and should be construed narrowly.

**12. Contrarian Invention:** Claim 45 is contrary to the teachings of Martinez. Claim 45 and its “said pop up digital space that substantially contains a video” go against the grain of what Martinez teaches. Claim 45 is contrary to Martinez because the claim recites a “word” and “a video”. Instead Martinez teaches the different “items similar to the target item”. Thus claim 45 has a contrarian result over Martinez.

**13. Solved Different Problem:** Claim 45 solves a different problem than Martinez, and such different problem is recited in the claim of “said pop up digital space that substantially contains a video.” Claim 45 solves the problem of providing rich information with its “a video”. Martinez

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does **not** teach “a video” of claim 45. As a result Martinez solves the different problem of providing “items similar” to replace the target item. Thus Martinez and his replacement operation solve a different problem than claim 45.

**From the reasons discussed**, the applicant submits that new claim 45 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 45 is a fortiori patentable and should also be allowed.

**New Dependent Claim 46 is Submitted Under § 112**

New dependent claim 46 recites:

“The system of Claim 39 wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”.

Claim 46 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 wherein:” is added to recite the title of referred claim 39, and to make claim 46 clear, precise and logical under § 112, second paragraph.
2. The “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.” is added to make claim 46 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 46 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 46 under 35 U.S.C. § 112.

**New Dependent Claim 46 is Novel Over Martinez Under § 102**

Claim 46 recites: “The system of Claim 39 wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.”

The reasons that claim 46 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of “New Independent Claim 39 is Novel Over Martinez Under § 102”.

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The applicant submits claim 46 recites novel physical features that distinguish over Martinez for the following reasons:

1. Claim 46 recites “wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.”

Claim 46 is novel over Martinez because he does **not** describe the “**calibrated**” of the claim anywhere in his invention.

Thus claim 46 recites a novel physical feature that distinguishes over Martinez.

2. Claim 46 recites “wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.”

Claim 46 is novel over Martinez because he does **not** describe the “**level of difficulty**” of the claim anywhere in his invention.

Thus claim 46 recites a novel physical feature that distinguishes over Martinez.

3. Claim 46 recites “wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.”

Claim 46 is novel over Martinez because he does **not** describe a “**category**” of the claim anywhere in his invention.

Thus claim 46 recites a novel physical feature that distinguishes over Martinez.

4. Claim 46 recites “wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.”

Claim 46 is novel over Martinez because he does **not** describe the “**intended audience**” of the claim anywhere in his invention.

Thus claim 46 recites a novel physical feature that distinguishes over Martinez.

5. Claim 46 recites “wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.”

Claim 46 is novel over Martinez because he does **not** describe the “**audience**” of the claim anywhere in his invention.

Thus claim 46 recites a novel physical feature that distinguishes over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 46 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 46 Is A Fortiori Patentable Over Martinez**



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Claim 46 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 46 incorporates all the limitations of independent claim 39, claim 46 is patentable for the same reasons given with respect to claim 39. Claim 46 is even more patentable because it adds additional elements.

Claim 46 recites: "The system of Claim 39 wherein: said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience."

The new and unexpected results that flow from the novel physical features of claim 46 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 46 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 46 is simpler than Martinez without loss of capability. Claim 46 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Obviation of Specific Disadvantages of Existing Device:** Martinez and his specific, well defined "items similar to the target item" is uniform and homogeneous, and this is a specific disadvantage in light of claim 46. Claim 46 recites "said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience." Martinez does **not** teach claim 46 anywhere in his invention. Claim 46 obviates the specific disadvantage of Martinez because the claim provides many different possible "level of difficulty" and

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“category of an intended audience”. Claim 46 is demonstrated in working models that show different levels of difficulty for the different categories of an intended audience. Thus claim 46 obviates a specific disadvantage of Martinez.

**3. Novelty:** Claim 46 has novelty results over Martinez. Merely making a claim different may not appear to be an advantage per se, but it’s usually a great advantage. The novelty results of claim 46 are different than Martinez and all previously known counterparts as of the applicant’s filing date. Martinez does **not** teach the “calibrated”, “level of difficulty”, “category”, “audience”, and “an intended audience” of claim 46 anywhere in his invention. Thus claim 46 has novelty results over Martinez.

**4. Convenience:** Claim 46 provides a convenience benefit because it calibrates the level of difficulty of the content in a pop up digital space “with respect to the category of an intended audience”. Martinez does **not** teach this convenience benefit of claim 46. Thus claim 46 has a convenience result that is different than Martinez.

**5. Quality:** Claim 46 produces higher quality outputs than Martinez due to the many possible levels of difficulty and many possible categories of an intended audience. Claim 46 recites “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.” Martinez does **not** teach claim 46 anywhere in his invention. Instead

Martinez teaches the significantly lower quality result of items that are **merely** “similar” to the target item. Thus claim 46 has quality results over Martinez.

**6. Inferior Performances:** Claim 46 can provide inferior performance benefits because the claim recites “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.” Claim 46 may perform worse than comparable content in a pop up digital space, and this can be a great advantage.

The “pop up digital space presents a content” of claim 46 can be shown in a basic and low level of difficulty that is appropriate to an intended audience of young children. The basic and low level of difficulty is an inferior performance result than the content for an adult audience. The inferior performance has the advantage of presenting content in a pop up digital space that is more effective to understand for the young children audience.

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Another inferior performance is that the “pop up digital space presents a content” of claim 46 can be shown in large text formats that are appropriate to an intended audience of people with vision impairments. The large text formats takes up more space than a regular size text format, and the large text is too easy to see for people with good vision. Such inferior performance has the advantage of making the large text formats more viewable for the vision impaired audience.

Another inferior performance is that the “said pop up digital space presents a content” of claim 46 can be shown in acronyms and abbreviations that are appropriate to an intended audience of organic biologists. The acronyms and abbreviations do not contain full letters and words and this is an inferior performance result to standard complete words and phrases. The inferior performance has the advantages of having the acronyms and abbreviations more readable and enables faster reading for the organic biologist audience.

Martinez does **not** teach the inferior performances result of claim 46 anywhere in his invention. Thus the inferior performances result that claim 46 can provide is different than Martinez.

**7. Long Life Cycle:** Claim 46 has a potentially long life cycle that can be made and sold for many years because its “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience” is very useful. Claim 46 has a timeless quality and will likely be a permanent fixture, and these are obvious strong advantages. Martinez does **not** teach claim 46 anywhere in his invention. Instead Martinez provides the significantly less useful and less promising “items similar to the target item”. Thus the long life cycle result of claim 46 is different than Martinez.

**8. Prototype Availability:** Claim 46 has prototypes available and demonstrated in working models. The working models shows claim 46 and its “is calibrated to a level of difficulty with respect to the category of an intended audience”. The categories are the adult audience and the young children audience. The prototypes of claim 46 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**9. Broad Patent Coverage Available:** Claim 46 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 46 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 46 performs the unique functions of “said pop up digital space

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presents a content calibrated to a level of difficulty with respect to the category of an intended audience.” Martinez does **not** teach claim 46 anywhere in his invention. Instead Martinez provides the unique and significantly less useful “items similar to the target item”. Thus the likely broad patent coverage available result of claim 46 is different than Martinez.

**10. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 46 likely will appeal to young people because the claim recites “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience”. Claim 46 is very useful for young people to learn about a content in a pop up digital space. This is because claim 46 and its “pop up digital space presents a content” is calibrated to a level of difficulty for the category of an intended audience of young people.

Claim 46 is important for the purposes of learning and education. Claim 46 is valuable because higher education is often a priority of young people.

Claim 46 will likely command more sales of the youth market than the significantly less educational and less useful “items similar to the target item” of Martinez. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market, much less any “audience”. Thus the youth market result of claim 46 is different than Martinez.

**11. Unexpected Results:** The results achieved by claim 46 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising that did not exist as of the applicant’s filing date. Claim 46 recites “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience”. Martinez does **not** teach the unexpected results of claim 46. Thus claim 46 has unexpected results over Martinez.

**12. Crowded Art:** The system of Claim 46 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 46 provides the small step forward of “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.” This is a small step forward in the crowded art. Martinez provides the unique and different small step forward of providing “items similar to the target item” in the crowded art.

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**13. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 46. Martinez does **not** teach claim 46 and its “calibrated to a level of difficulty”, “audience”, and “with respect to the category of an intended audience” anywhere in his invention. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 46.

**14. Poor Reference:** Martinez is entirely foreign to claim 46. This is because Martinez does **not** teach claim 46 and its “calibrated to a level of difficulty”, “audience”, and “with respect to the category of an intended audience” anywhere in his invention. Thus Martinez is a weak reference to claim 46 and should be construed narrowly.

**15. Contrarian Invention:** Claim 46 is contrary to the teachings of Martinez. Claim 46 and its “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience” goes against the grain of what Martinez teaches. Instead Martinez teaches the specific, well defined “items similar to the target item” that is uniform and homogeneous. Claim 46 is contrarian to Martinez because the claim provides many different possible “level of difficulty” and “category of an intended audience”. Martinez does **not** teach claim 46 and its “calibrated to a level of difficulty” and “with respect to the category of an intended audience” anywhere in his invention. Thus claim 46 has a contrarian result over Martinez.

**16. New Principle of Operation:** Claim 46 utilizes a new principle of operation with its “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.” Claim 46 and its new principle of operation is not taught by Martinez and the prior art as of the applicant’s filing date. The applicant has blazed a trail, rather than followed one.

**17. Solved Different Problem:** Claim 46 solves a different problem than Martinez, and such different problem is recited in the claim of “said pop up digital space presents a content calibrated to a level of difficulty with respect to the category of an intended audience.” Hence claim 46 solves the problem of presenting content to many different possible “level of difficulty” and “category of an intended audience”. Instead Martinez solves the different problem of providing the significantly less useful, too specific, and uniform “items similar” to replace the

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target item. Thus Martinez and his replacement operation solve a different problem than claim 46.

**From the reasons discussed**, the applicant submits that claim 46 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 46 is a fortiori patentable and should also be allowed.

**New Dependent Claim 47 is Submitted Under § 112**

New dependent claim 47 recites:

“The system of Claim 39 wherein: said computer includes an internet to present said sense of said word.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez:”.

Claim 47 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 wherein:” is added to recite the title of referred claim 39, and to make claim 47 clear, precise and logical under § 112, second paragraph.
2. The “said computer includes an internet to present said sense of said word.” is added to make claim 47 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 47 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 47 under 35 U.S.C. § 112.

**New Dependent Claim 47 is Novel Over Martinez Under § 102**

Claim 47 recites: “The system of Claim 39 wherein: said computer includes an internet to present said sense of said word.”

The reasons that claim 47 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of “New Independent Claim 39 is Novel Over Martinez Under § 102”.

The applicant submits claim 47 is novel over Martinez for the following reasons:

1. Claim 47 recites “wherein: said computer includes an internet to present said sense of said word.”

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Claim 47 is novel over Martinez because he does **not** describe a "sense of said word" of the claim anywhere in his invention.

Thus claim 47 recites a novel physical feature that distinguishes over Martinez.

2. Claim 47 recites "wherein: said computer includes an internet to present said sense of said word."

Claim 47 is novel over Martinez because he does **not** describe "**an internet to present said sense of said word**" of the claim anywhere in his invention.

Thus claim 47 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 47 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 47 Is A Fortiori Patentable Over Martinez**

Dependent claim 47 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 47 incorporates all the limitations of independent claim 39, claim 47 is patentable for the same reasons given with respect to claim 39. Claim 47 is even more patentable because it adds an additional element.

Claim 47 recites: "The system of Claim 39 wherein: said computer includes an internet to present said sense of said word."

The new and unexpected results that flow from the novel physical features of claim 47 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 47 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text,

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recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 47 is simpler than Martinez without loss of capability. Claim 47 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Novelty:** Claim 47 has novelty results over Martinez because the claim recites “an internet to present said sense of said word.” Merely making a claim different may not appear to be an advantage per se, but it’s usually a great advantage. Claim 47 is different than Martinez and all previously known counterparts as of the applicant’s filing date. Claim 47 is novel over Martinez because he does **not** teach a “sense of said word” of the claim anywhere in his invention. Thus claim 47 has a novelty result over Martinez.

**3. Long Life Cycle:** Claim 47 has a potentially long life cycle that can be made and sold for many years because its “an internet” is a growing, extremely popular technology that will be around long into the future. Also claim 47 and its “sense of said word” is passed from generation to generation. These are obvious strong advantages. Instead Martinez provides the significantly less useful and less promising “items similar to the target item”. Thus the long life cycle result of claim 47 is different than Martinez.

**4. Inertia Need Not Be Overcome:** Claim 47 recites “an internet to present said sense of said word.” Potential manufacturers, users, and sellers of claim 47 will not manifest inertia because products and services using the claim are already selling on the market. The companies using claim 47 have been sent infringement notifications, and some have replied in acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B.

The inertia result of claim 47 is different than Martinez because his “items similar to the target item” is significantly less useful and likely must overcome significant inertia.

**5. Presence of Market:** Claim 47 recites “an internet to present said sense of said word.” Claim 47 has a market that already exists because the internet is ubiquitous and popular, and the claim’s “sense of said word” has an everyday usefulness. The presence of market of claim 47 is evident because products and services using the claim are already selling on the market. The companies using claim 47 have been sent infringement notifications, and some have replied in



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acknowledgement. One acknowledgement reply and the high sales figures from the same company were attached with the Rule 132 declaration that was submitted with Amendment B. The presence of market result of claim 47 is different than Martinez because his "items similar to the target item" is significantly less useful. Thus Martinez's presence of market is likely significantly less than claim 47.

**6. Prototype Availability:** Claim 47 has prototypes available and demonstrated in working models. Claim 47 and its "sense of said word" can be sent over the internet as an email attachment. The prototypes of claim 47 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**7. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and the internet is popular with this age group. Claim 47 likely will appeal to young people because the claim is very useful for young people to learn about a word. Claim 47 provides "said sense of said word" via "an internet" that helps the learning experience. Claim 47 is important for the purposes of learning and education. Claim 47 is valuable because higher education is often a priority of young people. Claim 47 will likely command more sales of the youth market than the significantly less educational and less useful "items similar to the target item" of Martinez. This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 47 is different than Martinez.

**8. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 47. Martinez does **not** teach claim 47 and it's "an internet to present said sense of said word" anywhere in his invention. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 47.

**9. Solved Different Problem:** Claim 47 solves a different problem than Martinez, and such different problem is recited in the claim of "an internet to present said sense of said word." Claim 47 solves an educational problem by providing an internet to present a sense of a word. Instead Martinez solves the problem of providing the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already

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understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 47.

**From the reasons discussed**, the applicant submits that claim 47 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 47 is a fortiori patentable and should also be allowed.

**New Dependent Claim 48 is Submitted Under § 112**

New dependent claim 48 recites:

“The system of Claim 39 wherein: said word used a language that is different from the language used in said pop up digital space.”

Claim 48 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 wherein:” is added to recite the title of referred claim 39, and to make claim 48 clear, precise and logical under § 112, second paragraph.
  2. The “said word used a language that is different from the language used in said pop up digital space.” is added to make claim 48 clear, precise and logical under § 112, second paragraph.
- The applicant submits that new claim 48 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 48 under 35 U.S.C. § 112.

**New Dependent Claim 48 is Novel Over Martinez Under § 102**

Claim 48 recites: “The system of Claim 39 wherein: said word used a language that is different from the language used in said pop up digital space.”

The reasons that claim 48 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of “New Independent Claim 39 is Novel Over Martinez Under § 102”.

The applicant submits claim 48 is novel over Martinez for the following reasons:

1. Regarding new claim 48, which recites substantially the same features as currently amended claim 35, the O.A. stated “Martinez et al... do **not** specifically show that a language used in said pop up digital spaces can be different from the language used in said text”.

Thus claim 48 recites novel physical features that distinguish over Martinez.

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2. Claim 48 is novel over Martinez because he does **not** describe a "language" of the claim anywhere in his invention.

Thus claim 48 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 48 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Claim 48 and the Combination of Martinez and Abir Under § 103**

Claim 48 recites substantially the same subject matter as currently amended claim 35. The O.A. stated at #6 "Claims...35...are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above) in view of Abir (6,692,170)."

The O.A. further stated regarding Martinez and Abir "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant respectfully points out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

**A Review of the References of Martinez and Abir:**

Martinez is discussed in the above heading "A Review of the reference of Martinez:".

Abir is discussed in the above heading "A Review of the Reference of Abir:".

**Claim 48 is Unobvious on the Combination of Martinez and Abir Under § 103**

Since claim 48 incorporates all the limitations of independent claim 39, claim 48 is patentable for the same reasons given with respect to claim 39. Claim 48 is even more patentable because it adds additional elements.

Claim 48 recites: "The system of Claim 39 wherein: said word used a language that is different from the language used in said pop up digital space."

The applicant respectfully submits that claim 48 is patentable over the combination of Martinez and Abir, for the following reasons:

1. Intended functions destroyed.
2. Unsuggested combination.
3. References are individually complete.
4. References take different approaches.

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5. References teach away.
6. Impossible to combine.
7. Inoperative combination.
8. Modifications necessary.
9. Claimed features lacking.
10. Synergism.
11. Multiplicity of steps required.
12. Dependent claim 48 is a fortiori patentable over the combination of Martinez and Abir.

#### **1. Intended Functions Destroyed**

Martinez and Abir are not legally combinable meet claim 48, since doing so will destroy their intended functions under MPEP 2142.

**Martinez** teaches in his abstract "The invention provides a convenient mechanism to thoroughly search a database for useful items."

Martinez teaches at (col. 2, In 35-38), "To give a more detailed example, one might employ the invention by applying a recursive annotation function to items in a main application, as follows: responsive to a cursor's position, identifying a **target item**; searching a database for **items similar to said target item**; providing an indicator, near the target item's position, to show that **similar items** from said database may be displayed; and providing, near the target item's position, an icon for sending a command for display to a recursive pop-up display function. The pop-up display function displays the similar items in a pop-up window, near the target item's position. Any one of the similar items in the pop-up window may become a target item for the above-mentioned recursive annotation function. A user may select a **similar item** from the database for use in the main application."

**Abir** teaches at (col. 1, In 12-13), "This invention relates to method and apparatus for inputting text for word processing and other communications."

Since claim 48 recites "wherein: said word used a language that is different from the language used in said pop up digital space", this will destroy the intended functions in Martinez and Abir. The combination to meet claim 48 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application.

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This produces a nonsensical text and destroys Martinez's intended function of providing "useful items" for use in the main application.

The combination to meet claim 48 would show Abir's inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications and destroys Abir's intended function of "inputting text for word processing and other communications".

Therefore the intended functions of Martinez and Abir are destroyed if combined to meet claim 48.

## **2. Unsuggested Combination**

Martinez and Abir do not contain any suggestion, express or implied, that they be combined, or that they be combined in the manner suggested under MPEP 2142.

The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does not teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Thus Martinez and Abir do not contain any suggestion that they be combined in the manner suggested.

Claim 48 recites "wherein: said word used a language that is different from the language used in said pop up digital space."

**Martinez** does not teach a "language" anywhere in his invention.

Both **Martinez** and **Abir** do not teach claim 48 and it's "said word used a language that is different from the language used in said pop up digital space" anywhere in their inventions.

As a result the combination of Martinez and Abir does not teach claim 48 and it's "said word used a language that is different from the language used in said pop up digital space."

Therefore the combination of Martinez and Abir is unsuggested.

## **3. References are Individually Complete**

Each reference is complete and functional in itself, so there would be no reason to use parts from or add or substitute parts to any reference to meet claim 48 under MPEP 2142.

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**Martinez** teaches a “recursive search process”, “pop-up window”, the “items similar to a target item”, and to search a database for useful items to replace a target item in a main application.

**Abir** teaches a “partition area”, a “virtual keyboard”, functions for locating “the appropriate character”, and to find the desired character, word or phrase to input in word processing or other communications.

Both **Martinez** and **Abir** do **not** teach claim 48 and its “wherein: said word used a language that is different from the language used in said pop up digital space” anywhere in their inventions.

The combination to meet claim 48 would show **Martinez**’s “similar items” in a language to replace a target item that uses the different language in the main application. Hence **Martinez** now shows the replacement similar item that is in a different language from the main application.

This produces a nonsensical text in the main application.

The combination to meet claim 48 would show **Abir**’s inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications.

Therefore the references of **Martinez** and **Abir** are individually complete and there is no reason to modify them to meet claim 48 since it would produce nonsensical results.

#### 4. References Take Different Approaches

**Martinez** and **Abir** take mutually exclusive paths and reach different solutions to a similar problem. Since they teach away from each other, it would not be logical to combine them to meet claim 48 under MPEP 2142.

**Martinez** and **Abir** solve a similar problem. **Martinez** solves the problem of providing “useful items” for use in his main application by replacing a target item with a similar item. **Abir** solves the similar problem of inserting a desired character, word or phrase in word processing or other communications.

**Martinez** takes a different approach than **Abir** by using a “recursive search process”, “pop-up window”, and the “items similar to a target item”.

**Abir** takes a different approach than **Martinez** by using a “partition area”, a “virtual keyboard”, and functions for locating “the appropriate character”.

The combination to meet claim 48 would show **Martinez**’s “similar items” in a language to replace a target item that uses the different language in the main application. Hence **Martinez**

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now shows the replacement similar item that is in a different language from the main application.

This produces a nonsensical text in the main application.

The combination to meet claim 48 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Therefore since Martinez and Abir teach away from each other, it would not be logical to combine them to meet claim 48 because it would produce nonsensical results.

### 5. References Teach Away

Martinez and Abir themselves teach away, expressly or by implication, from the suggested combination to meet claim 48 under MPEP 2142.

**Abir** teaches a "partition area", a "virtual keyboard", functions for locating "the appropriate character", and to find the desired character, word or phrase to input in word processing or other communications.

**Martinez** teaches a "recursive search process", "pop-up window", the "items similar to a target item", and to search a database for useful items to replace a target item in a main application.

The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Thus Martinez and Abir themselves teach away from the suggested combination to meet claim 48.

In addition the combination to meet claim 48 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

In addition the combination to meet claim 48 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications".

This produces a nonsensical word processing and communications.

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Therefore Martinez and Abir themselves teach away from the suggested combination to meet claim 48 because the combination would produce nonsensical results.

#### **6. Impossible to Combine**

Those skilled in the art would find it physically impossible to combine Martinez and Abir in the manner suggested to meet claim 48.

The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Both **Martinez** and **Abir** do **not** teach claim 48 and its "wherein: said word used a language that is different from the language used in said pop up digital space" anywhere in their inventions.

The combination to meet claim 48 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application.

This produces a nonsensical text in the main application.

The combination to meet claim 48 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Further for the suggested combination to make sense, this would require all the characters, words, phrases, and text to be replaced in the main application, word processing, or other communications. All the replacements need to use the different language of Martinez's replacement similar item, and the different language of Abir's inputted text.

This is a physically impossible task since all the replacements to a different language in the main application, word processing, or other communications are required based on one replacement similar item of Martinez, and one inputted text of Abir.

Therefore Martinez and Abir are impossible to combine in the manner suggested to meet claim 48.

#### **7. Inoperative Combination**



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If Martinez and Abir could be combined to meet claim 48, the references would produce an inoperative combination.

The combination to meet claim 48 would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

The combination to meet claim 48 would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

Therefore the combination of Martinez and Abir to meet claim 48 produces an inoperative combination because of the nonsensical results.

#### **8. Modifications Necessary**

It would be necessary to make modifications, not taught in the prior art, in order to combine Martinez and Abir in the manner suggested to meet claim 48.

The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

**Abir** needs to be modified to add a language translator feature and an electronic dictionary feature.

Thus modifications are necessary, not taught in the prior art, in order to combine Martinez and Abir in the manner suggested.

In addition both **Martinez** and **Abir**, to meet claim 48, need to be modified by adding the features in the claim of "said word used a language that is different from the language used in said pop up digital space."

This modification would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the

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replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

This modification would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications.

In addition since the modifications produce nonsensical results, Martinez needs to eliminate his replacement function. Likewise Abir needs to eliminate his "text input" function.

In addition Martinez needs to eliminate his intended function of providing "useful items" for use in the main application. Likewise Abir needs to eliminate his intended function of "inputting text for word processing and other communications".

Therefore modifications are necessary, not taught in the prior art, in order to combine Martinez and Abir in the manner suggested to meet claim 48.

#### **9. Claimed Features Lacking**

Even if combined, Martinez and Abir would not meet all of the features of claim 48 under MPEP 2142.

The combination of **Martinez** and **Abir** does **not** teach or suggest all the claim limitations of claim 48. This is because the combination lacks the features in claim 48 of "said word used a language that is different from the language used in said pop up digital space."

Therefore the features of claim 48 are lacking in the combination of Martinez and Abir.

#### **10. Synergism**

The whole of the result achieved by the process of claim 48 is greater than the sum of the respective results of the individual references of Martinez and Abir.

Claim 48 recites "The system of Claim 39 wherein: said word used a language that is different from the language used in said pop up digital space." Claim 48 achieves an educational result because a person learns about a word in a different language.

Both **Martinez** and **Abir** do **not** teach claim 48 and its educational result of learning about a word in a different language. This is because Martinez and Abir do **not** teach claim 48 and it's "said word used a language that is different from the language used in said pop up digital space." Instead **Martinez** teaches replacing a target item with a similar item in the main application.

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Instead **Abir** teaches inputting a desired or appropriate character, word or phrase in word processing and other communications.

Therefore the educational result achieved by claim 48 of learning about a word in a different language is greater than the sum of the respective results of the individual references of Martinez and Abir.

### **11. Multiplicity of Steps Required**

The combination suggested to meet claim 48 requires a series of separate, awkward combinative steps that are too involved to be considered obvious.

The O.A., regarding the suggested combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

**Abir** needs to be modified to add a language translator feature and an electronic dictionary feature.

In addition, to meet claim 48, the combination of **Martinez** and **Abir** needs to be modified by adding the features in the claim of: “said word used a language that is different from the language used in said pop up digital space.”

This combinative step would show **Martinez's** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

This combinative step would show **Abir's** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications.

As a result this combinative step to meet claim 48 produces nonsensical results. For the combination to make sense, Martinez needs to eliminate his replacement function. Likewise Abir needs to eliminate his “text input” function.

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Further, for the combination to make sense, Martinez needs to eliminate his intended function of providing “useful items” for use in the main application. Likewise Abir needs to eliminate his intended function of “inputting text for word processing and other communications”.

Therefore the combination of Martinez and Abir to meet claim 48 requires a multiplicity of steps that are too involved to be considered obvious.

**A Prima Facie Case and Claim 48:** The applicant submits that claim 48, which recites substantially the same features as rejected currently amended claim 35, and Martinez and Abir does not set forth a prima facie case of obviousness, as required by MPEP 2142. This section requires that:

1. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine their teachings to meet claim 35.
2. There must be a reasonable expectation of success.
3. The prior art references must teach or suggest all the claim limitations.

Claim 48 recites “The system of Claim 39 wherein: said word used a language that is different from the language used in said pop up digital space.”

The applicant submits that the rejection does not meet Requirement 1 because neither Martinez nor Abir suggests such a combination, and one skilled in the art would have no reason to make such a combination to meet claim 48 because it produces nonsensical results as follows:

The combination to meet claim 48 would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application.

The combination to meet claim 48 would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications.

Further Martinez and Abir are not directed to solving the same problem as claim 48 solves because the claim solves the problem of learning about a word in a different language. Martinez and Abir do not solve the problem claim 48 solves. Martinez solves the different problem of providing “useful items” for use in his main application by replacing a target item with a similar

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item. Abir solves the different problem of providing a “method and apparatus for inputting text for word processing and other communications.”

Moreover, the applicant submits that the rejection does not meet Requirement 2. Martinez and Abir are not combinable because their intended functions would be destroyed if one attempted to combine them to meet claim 48 as follows:

The combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text and destroys Martinez’s intended function of providing “useful items” for use in the main application.

The combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications and destroys Abir’s intended function of “inputting text for word processing and other communications”.

Since the combination to meet claim 48 produces nonsensical results and destroys the intended functions of Martinez and Abir, there is no reasonable expectation of success.

Finally the applicant submits that the rejection does not meet Requirement 3 because, even if the combination could be legally made, the combination does not show claim 48 and it’s “The system of Claim 39 wherein: said word used a language that is different from the language used in said pop up digital space.”

The applicant submits these distinctions are patentable under § 103 because of the reasons discussed in the next heading of “12. Dependent Claim 48 Is A Fortiori Patentable Over the Combination of Martinez and Abir”.

## **12. Dependent Claim 48 Is A Fortiori Patentable Over the Combination of Martinez and Abir**

Claim 48 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez and Abir, or any combination thereof.

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Since claim 48 incorporates all the limitations of independent claim 39, claim 48 is patentable for the same reasons given with respect to claim 39. Claim 48 is even more patentable because it adds additional elements.

Claim 48 recites: "The system of Claim 39 wherein: said word used a language that is different from the language used in said pop up digital space."

The new and unexpected results that flow from the novel physical features of claim 48 are discussed in the following reasons:

**1. Omission of Elements:** Numerous elements from the combination of Martinez and Abir are omitted in claim 48. The omitted elements of **Martinez** are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials than the target item, among other elements. The omitted elements of **Abir** are: a partition area set within the display means for delineating the appropriate character keyset, words which appear are magnified according to a user-defined resolution, in a predetermined area, the predetermined area of the keyboard, on the display area the words themselves will be far too small to be legible, an insert box, the arrangement and numbers of rows and columns and other specifics and considerations of the keyboard screen layout and visual design are user-defined, a whole word set, predesignated list of words, a word/phrase set list, manually designating the set list closed, set lists, a set list screen, a set list window will include words arranged in an alphabetical manner, words will be set in the keyboard in a particular manner, usually in a logical order with words beginning with first character in the language or other defined text to be input at one position, and words beginning with the last character in the language or other defined text to be input at an opposite position, 60,000 words

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on the board, in a magnified resolution the user may have ten words each in a viewable font, and a user will be able to remove words that they never use, among other elements.

Thus claim 48 is simpler than the combination of Martinez and Abir without loss of capability.

Claim 48 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Cost:** Claim 48 per se is likely to be cheaper to build than the combination of Martinez and Abir because the claim is a pure system. Martinez and Abir have numerous parts, steps and functions as discussed in the previous subheading “1. Omission of Elements: “. Also Martinez teaches machine parts of a “computer readable storage medium” and a “computer-usable medium”. Likewise Abir teaches a machine part of “apparatus for inputting text”. The combination of Martinez and Abir with its machine parts and numerous elements are many times more costly to build than claim 48 which is a pure system. Thus the low cost result of claim 48 is different than the combination of Martinez and Abir.

**3. Ease of Production:** Claim 48 per se, which is a pure system, is likely easier and cheaper to produce than the combination of Martinez and Abir. Martinez teaches machine parts called a “computer readable storage medium” and a “computer-usable medium”. Likewise Abir teaches a machine part of “apparatus for inputting text”. The combination of Martinez and Abir needs significant resources to produce its machine parts and numerous elements as discussed in the above subheading “1. Omission of Elements: “. Thus the ease of production result of claim 48 is different than the significantly more difficult to produce combination of Martinez and Abir.

**4. Novelty:** Claim 48 recites “wherein: said word used a language that is different from the language used in said pop up digital space”. Claim 48 is novel over the combination of Martinez and Abir because the combination does not teach the 2 different languages as recited in the claim. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 48 are different than the combination of Martinez and Abir and all previously known counterparts as of the applicant's filing date. Thus claim 48 has novelty results over the combination of Martinez and Abir.

**5. Social Benefit:** Claim 48 has greater social benefits than Martinez because the claim provides important educational results. Claim 48 recites “said word used a language that is different from the language used in said pop up digital space”. Claim 48 provides a fast,

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convenient and educational system for a person to learn about a word in a different language. The combination of Martinez and Abir to meet claim 48 provides no educational benefits. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. Thus social benefit result of claim 48 is different than the combination of Martinez and Abir.

**6. Ecology:** Claim 48 has great potential to provide ecology benefits because it does not emphasize or require the printing of paper. Paper is from organic matter, in most cases from trees, which are a limited and important natural resource. Claim 48 is a pure system and the ecology result is critical and different than the combination of Martinez and Abir. Martinez teaches the use of printers, the print function, as well as producing machine parts called a "computer readable storage medium" and "computer-usable medium". Abir teaches producing a machine part called an "apparatus for inputting text". Thus the production of machine parts and the print functions from the combination of Martinez and Abir create significantly more stress on the ecology than claim 48, which is a pure system.

**7. Salability:** Claim 48 recites "said word used a language that is different from the language used in said pop up digital space." Claim 48 is easier to sell and market than the combination of Martinez and Abir. The 2 different languages as recited in claim 48 is educational, are common to many people of different languages and meets the everyday needs of the market. The combination of Martinez and Abir to meet claim 48 likely has no salability results. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and



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communications. Thus salability of claim 48 is different than the combination of Martinez and Abir.

**8. Appearance:** Claim 48 provides a richer and better appearing design than the combination of Martinez and Abir because the claim recites "said word used a language that is different from the language used in said pop up digital space." In contrast the combination of Martinez and Abir to meet claim 48 would show a nonsensical and absurd appearance. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. Thus the appearance result of claim 48 is different than the combination of Martinez and Abir.

**9. Precision:** Claim 48 operates and has greater precision because the claim provides "said word used a language that is different from the language used in said pop up digital space." In contrast the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results do not provide precision. Thus the precision result of claim 48 is different than the combination of Martinez and Abir.

**10. Market Size:** Claim 48 likely has a large market size result over the combination of Martinez and Abir. Claim 48 recites "said word used a language that is different from the language used in said pop up digital space." The 2 different languages as recited in claim 48 are common to many people of different languages and meet the everyday needs of this large market. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a

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language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir's inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results have no market size. Thus the market size result of claim 48 is different than the combination of Martinez and Abir.

**11. Quality:** Claim 48 recites "said word used a language that is different from the language used in said pop up digital space." Claim 48 produces a quality output because its 2 different languages provide a richer quality than one language. In contrast the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show Martinez's "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir's inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results provide no quality. Thus claim 48 has a quality result over the combination of Martinez and Abir.

**12. New Use:** Claim 48 has discovered a new use for its 2 different languages. Claim 48 provides the new use of "said word used a language that is different from the language used in said pop up digital space." The new use result of claim 48 is different than the combination of Martinez and Abir to meet claim 48. This is because the combination would show Martinez's "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir's inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results cannot

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be produced as a new use. Thus the new use result of claim 48 is different than the combination of Martinez and Abir.

**13. Long Life Cycle:** Claim 48 has a potentially long life cycle that can be made and sold for many years because its 2 different languages are passed from generation to generation. This is an obvious strong advantage. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results do not provide a long life cycle. Thus the long life cycle result of claim 48 is different than the combination of Martinez and Abir.

**14. Satisfies Existing Need:** Claim 48 satisfies an existing and recognized need. The 2 different languages as recited in claim 48 are common to many people of different languages and meet the everyday needs of people. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results do not satisfy an existing need. Thus the existing need result of claim 48 is different than the combination of Martinez and Abir.

**15. Operability:** Claim 48 likely will work readily because it is a pure system that is simple and very useful. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main

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application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir's inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination impracticable and inoperable. Thus the ready operability result of claim 48 is different than the combination of Martinez and Abir.

**16. Profitability:** Claim 48 likely is easy to sell at a profit or at an acceptable price level because its lean structure and pure system requires no expensive and difficult development tooling or expensive exotic materials to build. The profitability result of claim 48 is different than the combination of Martinez and Abir because the combination requires expensive tooling to produce the machine parts of a "computer readable storage medium", "computer-usable medium" and an "apparatus for inputting text". In addition numerous other elements to build are discussed in the above subheading "1. Omission of Elements:". Thus claim 48 has a profitability advantage result over the combination of Martinez and Abir.

**17. Compatibility:** Claim 48 is likely to be compatible with existing patterns of use since it is a pure system and because a word and a pop up digital space are frequently used. Also claim 48 is likely to be compatible with existing customs because its 2 different languages are common to people of many languages. In contrast the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show Martinez's "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir's inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results provide no compatibility. Thus the compatibility result of claim 48 is different than the combination of Martinez and Abir.

**18. Easy to Promote:** Claim 48 is easy to promote because its 2 different languages are common to people of many languages and meets the everyday needs of people. In contrast the

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combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results cannot be promoted. In addition claim 48 per se with its pure system and high visibility makes it cheap and easy to market, and this is a clear advantage. Thus the easy to promote result of claim 48 is different than the combination of Martinez and Abir.

**19. Combination Product:** Claim 48 is a combination product because it recites "said word used a language that is different from the language used in said pop up digital space." Claim 48 and its separate parts of "said word used a language that is different" and "from the language used in said pop up digital space" groove well together. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results do not groove well together. Thus the combination product result of claim 48 is different than the combination of Martinez and Abir.

**20. Broad Patent Coverage Available:** Claim 48 recites "said word used a language that is different from the language used in said pop up digital space." Claim 48 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 48 is the only source which performs its certain, unique results, the claim will be able to charge more than if it were in a competitive situation. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's**

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“similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir’s inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination not usable. Thus claim 48 has broad patent coverage over the combination of Martinez and Abir.

**21. High Sales Anticipated:** Claim 48 per se can anticipate a high sales volume because its 2 different languages are common to people of many languages and meets their everyday needs. In contrast the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show Martinez’s “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir’s inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results from the combination do not anticipate high sales. Thus high sales anticipated result of claim 48 is different than the combination of Martinez and Abir.

**22. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 48 will likely appeal to young people because its “said word used a language that is different from the language used in said pop up digital space” is very useful for young people to learn about a word in a different language. Claim 48 is important for the purposes of learning and education. Claim 48 is valuable because higher education is often a priority of young people.

Claim 48 likely will command more sales of the youth market than the combination of Martinez and Abir. The combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show Martinez’s “similar items” in a language

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to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results will not appeal to the youth market. Thus the youth market result of claim 48 is different than the combination of Martinez and Abir.

**23. Synergism:** Claim 48 recites "said word used a language that is different from the language used in said pop up digital space." The result achieved by claim 48 and its 2 different languages is greater than the sum of the separate results of its parts of "said word" and "said pop up digital space". The parts of claim 48 cooperate together to increase the overall learning of a word in a different language, a synergistic effect. In contrast the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show

**Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. These nonsensical and absurd results are not a synergistic effect. Thus the synergism result of claim 48 is different than the combination of Martinez and Abir.

**24. Unexpected Result:** The results achieved by claim 48 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical and surprising because it provides "said word used a language that is different from the language used in said pop up digital space." These results of claim 48 did not exist as of the applicant's filing date. In contrast the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez's** "similar items" in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir's** inputted

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text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination impracticable. Thus the unexpected results of claim 48 are different than the combination of Martinez and Abir.

**25. Crowded Art:** Claim 48 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 48 provides the small step forward of “said word used a language that is different from the language used in said pop up digital space” in the crowded art. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd and is not a step forward in the crowded art.

**26. Unsuggested Modification:** Martinez and Abir lack any suggestion that their inventions should be modified in a manner required to meet claim 48. Claim 48 recites “said word used a language that is different from the language used in said pop up digital space.”

Martinez does **not** teach a “language” of claim 48 anywhere in his invention. Both Martinez and Abir do **not** teach the 2 different languages as recited in claim 48. Further the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination an unsuggested modification of Martinez and Abir. Thus the combination of Martinez and Abir clearly lacks any suggestion that their inventions should be modified in a manner to meet claim 48.

**27. Poor References:** Claim 48 recites “said word used a language that is different from the language used in said pop up digital space.” Martinez is entirely foreign to claim 48 because he does **not** teach a “language” of the claim. Martinez and Abir do **not** teach the 2 different languages as recited in claim 48 anywhere in their inventions. Further the combination of Martinez and Abir to meet claim 48 is foreign and conflicting to the claim since the combination would be nonsensical and absurd. This is because the combination would show **Martinez’s**



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“similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir’s inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results make the combination a poor reference. Therefore the combination of Martinez and Abir is a weak reference to claim 48 and should be construed narrowly.

**28. Ancient Suggestion:** The O.A., regarding the suggested combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach the language translator and electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Nevertheless the suggestion to add a language translator and an electronic dictionary to Martinez is many years old. Further to add the language translator and electronic dictionary to the combination of Martinez and Abir to meet claim 48 was never implemented as of the applicant’s filing date, and would produce greatly inferior results. This is because the combination would show Martinez’s “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir’s inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results are greatly inferior to claim 48.

In contrast claim 48 recites “said word used a language that is different from the language used in said pop up digital space.” Claim 48 provides a unique, convenient system for a person to learn about a word in a different language. Thus to add “a language translator” and an “electronic dictionary” is an ancient suggestion that is different than claim 48.

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**29. Misunderstood References:** The combination of Martinez and Abir does **not** teach what the O.A. relies upon it as supposedly teaching. The O.A., regarding the suggested combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Further since claim 48 recites “said word used a language that is different from the language used in said pop up digital space”, the combination of Martinez and Abir to meet the claim would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. Thus these nonsensical and absurd results from the combination make Martinez and Abir misunderstood references to claim 48.

**30. Lack of Implementation:** If claim 48 were in fact obvious, because of its advantages, Martinez, Abir and those skilled in the art surely would have implemented the claim as of the applicant’s filing date. Claim 48 recites “said word used a language that is different from the language used in said pop up digital space.” Even if Martinez and Abir were combined to meet claim 48 the result would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results are the reason that Martinez and Abir could not be implemented to meet claim 48.

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The fact that Martinez, Abir and those skilled in the art have not implemented claim 48, despite its great advantages, indicates that it is not obvious.

**31. Contrarian Invention:** Claim 48 recites “said word used a language that is different from the language used in said pop up digital space.” Claim 48 is contrary to the teachings of the combination of Martinez and Abir because the claim enables a person to learn about a word in a different language. Instead the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. Claim 48 goes against these nonsensical and absurd results from the combination. Thus claim 48 is contrarian to the combination of Martinez and Abir.

**32. Strained Interpretation:** The O.A. has made a strained interpretation of Martinez and Abir that could only be made by hindsight. The O.A., regarding the combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.” The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention. Further since claim 48 recites “said word used a language that is different from the language used in said pop up digital space”, the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a

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nonsensical word processing and communications. Thus these nonsensical and absurd results from the combination are a strained interpretation of Martinez and Abir to meet claim 48.

**33. Solved Different Problem:** Claim 48 solves a different problem than the combination of Martinez and Abir, and such different problem is recited in the claim. Claim 48 recites “said word used a language that is different from the language used in said pop up digital space.” Claim 48 solves the educational problem of learning about a word in a different language. In contrast the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd and this does not solve any problem. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show **Abir’s** inputted text that uses a different language from the language used in the “word processing and other communications”. This produces a nonsensical word processing and communications. These nonsensical and absurd results do not solve the educational problem of claim 48 and in fact creates more unnecessary problems. Thus claim 48 is different than the combination of Martinez and Abir because the combination does not solve any problem.

**34. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 48 as a whole, including its differences over the combination of Martinez and Abir, would have been obvious. The O.A., regarding the combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.” The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Further since claim 48 recites “said word used a language that is different from the language used in said pop up digital space”, the combination of Martinez and Abir to meet claim 48 would be nonsensical and absurd. This is because the combination would show **Martinez’s** “similar items” in a language to replace a target item that uses the different language in the main

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application. Hence Martinez now shows the replacement similar item that is in a different language from the main application. This produces a nonsensical text in the main application. Likewise the combination would show Abir's inputted text that uses a different language from the language used in the "word processing and other communications". This produces a nonsensical word processing and communications. Thus these nonsensical and absurd results from the combination are not a convincing line of reasoning that claim 48 would have been obvious.

**From the reasons discussed**, the applicant submits that claim 48 produces valuable new, unexpected, and different results and hence is unobvious and patentable over the combination of Martinez and Abir under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 48 is a fortiori patentable and should also be allowed.

**New Dependent Claim 49 is Submitted Under § 112**

New dependent claim 49 recites:

"The system of claim 39 wherein: said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages."

Claim 49 is newly added in the following ways with the accompanying reasons:

1. The "The system of Claim 39 wherein:" is added to recite the title of referred claim 39, and to make claim 49 clear, precise and logical under § 112, second paragraph.
2. The "said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages." is added to make claim 49 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 49 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 49 under 35 U.S.C. § 112.

said word and a content in said pop up digital space uses at least one language of a multitude of languages

**New Dependent Claim 49 is Novel Over Martinez Under § 102**

Claim 49 recites: "The system of claim 39 wherein: said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages."

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The reasons that claim 49 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of "New Independent Claim 39 is Novel Over Martinez Under § 102".

The applicant submits claim 49 is novel over Martinez for the following reasons:

1. Regarding new claim 49, which recites substantially the same features as canceled claim 36, the O.A. stated "Martinez et al....do **not** specifically show...a multitude of languages."

Thus claim 49 recites a novel physical feature that distinguishes over Martinez.

2. Claim 49 is novel over Martinez because he does **not** describe a "language" of the claim anywhere in his invention.

Thus claim 49 recites a novel physical feature that distinguishes over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 49 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Claim 49 and the Combination of Martinez and Abir Under § 103**

Claim 49 recites substantially the same subject matter as canceled claim 36. The O.A. stated at ¶6 "Claims...36...are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above) in view of Abir (6,692,170)."

The O.A. further stated regarding Martinez and Abir "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant respectfully points out that Abir does **not** teach a language translator and an electronic dictionary in his (claims 13-15, col. 8), or anywhere in his invention.

**A Review of the References of Martinez and Abir:**

Martinez is discussed in the above heading "A Review of the reference of Martinez:".

Abir is discussed in the above heading "A Review of the Reference of Abir:".

**Claim 49 is Unobvious on the Combination of Martinez and Abir Under § 103**

Since claim 49 incorporates all the limitations of independent claim 39, claim 49 is patentable for the same reasons given with respect to claim 39. Claim 49 is even more patentable because it adds additional elements.

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Claim 49 recites: "The system of Claim 39 wherein: said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages."

The applicant respectfully submits that claim 49 is patentable over the combination of Martinez and Abir, for the following reasons:

1. References teach away.
2. Modifications necessary.
3. Multiplicity of steps required.
4. Claim 49 is a fortiori patentable over the combination of Martinez and Abir.

#### **1. References Teach Away**

Martinez and Abir themselves teach away, expressly or by implication, from the suggested combination to meet 52.

**Abir** teaches a "partition area", a "virtual keyboard", functions for locating "the appropriate character"; and to find the desired character, word or phrase to input in word processing or other communications.

**Martinez** teaches a "recursive search process", "pop-up window", the "items similar to a target item", and to search a database for useful items to replace a target item in a main application.

The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly."

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

Therefore Martinez and Abir themselves teach away from the suggested combination to meet claim 49.

#### **2. Modifications Necessary**

It would be necessary to make modifications, not taught in the prior art, in order to combine Martinez and Abir in the manner suggested to meet claim 49.

The O.A., regarding the suggested combination of Martinez and Abir, stated "Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

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Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that **Abir** does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

**Abir** needs to be modified to add a language translator feature and an electronic dictionary feature.

Thus modifications are necessary, not taught in the prior art, in order to combine **Martinez** and **Abir** in the manner suggested.

In addition the combination of **Martinez** and **Abir** to meet claim 49, need to be modified by adding the features in the claim of “said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages”, and by eliminating features. **Martinez** needs to eliminate his replacement function, and **Abir** needs to eliminate his “text input” function.

Therefore it would be necessary to make modifications, not taught in the prior art, in order to combine **Martinez** and **Abir** to meet claim 49.

### **3. Multiplicity of Steps Required**

The combination suggested to meet claim 49 requires a series of separate, awkward combinative steps that are too involved to be considered obvious.

The O.A., regarding the suggested combination of **Martinez** and **Abir**, stated “**Abir** shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that **Abir** does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention.

The combination suggested requires **Abir** to add a language translator feature and an electronic dictionary feature and these steps are too involved and awkward.

In addition the combination of **Martinez** and **Abir** to meet claim 49, need to add the features in the claim of “said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages”, and to eliminate features. **Martinez** needs to



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eliminate his replacement function, and Abir needs to eliminate his "text input" function. These steps are too involved and awkward.

Therefore the combination of Martinez and Abir to meet claim 49 requires a multiplicity of steps that are too involved to be considered obvious.

The applicant submits these distinctions are patentable under § 103 because of the reasons discussed under the next heading of "4. Claim 49 Is A Fortiori Patentable Over the Combination of Martinez and Abir".

#### **4. Claim 49 Is A Fortiori Patentable Over the Combination of Martinez and Abir**

Claim 49 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez and Abir, or any combination thereof.

Since claim 49 incorporates all the limitations of independent claim 39, claim 49 is patentable for the same reasons given with respect to claim 39. Claim 49 is even more patentable because it adds additional elements.

Claim 49 recites: "The system of Claim 39 wherein: said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages."

The new and unexpected results that flow from the novel physical features of claim 49 are discussed in the following reasons:

**1. Miscellaneous:** Claim 49 provides a flexibility advantage not shown in the combination of Martinez and Abir. Claim 49 has the flexibility of providing its "pop up digital space that substantially contains a content" in the event that two or more languages are used in a mix. This enables learning about a word in two or more languages easy and convenient.

The combination of Martinez and Abir does **not** provide this flexibility advantage of claim 49. This is because Martinez's "items similar to the target item" would **no longer** be "similar" if the combination were to use two or more languages as in claim 49. Thus claim 49 has a miscellaneous flexibility advantage result over the combination of Martinez and Abir.

**2. Omission of Elements:** Numerous elements from the combination of Martinez and Abir are omitted in claim 49. The omitted elements of **Martinez** are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon,

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indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, and similar items, for example, might be components of the same shape, with various dimensions or made of various materials than the target item, among other elements. The omitted elements of **Abir** are: a partition area set within the display means for delineating the appropriate character keyset, words which appear are magnified according to a user-defined resolution, in a predetermined area, the predetermined area of the keyboard, on the display area the words themselves will be far too small to be legible, an insert box, the arrangement and numbers of rows and columns and other specifics and considerations of the keyboard screen layout and visual design are user-defined, a whole word set, predesignated list of words, a word/phrase set list, manually designating the set list closed, set lists, a set list screen, a set list window will include words arranged in an alphabetical manner, words will be set in the keyboard in a particular manner, usually in a logical order with words beginning with first character in the language or other defined text to be input at one position, and words beginning with the last character in the language or other defined text to be input at an opposite position, 60,000 words on the board, in a magnified resolution the user may have ten words each in a viewable font, and a user will be able to remove words that they never use, among other elements.

Thus claim 49 is simpler than the combination of Martinez and Abir without loss of capability. Claim 49 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**3. Cost:** Claim 49 per se is likely to be cheaper to build than the combination of Martinez and Abir because the claim is a pure system. Martinez and Abir have numerous parts, steps and functions as discussed in the previous subheading "2. Omission of Elements: ". Also Martinez teaches machine parts of a "computer readable storage medium" and a "computer-usable medium". Likewise Abir teaches a machine part of "apparatus for inputting text". The combination of Martinez and Abir with its machine parts and numerous elements are many times

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more costly to build than claim 49 which is a pure system. Thus the low cost result of claim 49 is different than the combination of Martinez and Abir.

**4. Ease of Production:** Claim 49 per se, which is a pure system, is likely easier and cheaper to produce than the combination of Martinez and Abir. Martinez teaches machine parts called a “computer readable storage medium” and a “computer-usable medium”. Likewise Abir teaches a machine part of “apparatus for inputting text”. The combination of Martinez and Abir needs significant resources to produce its machine parts and numerous elements as discussed in the above subheading “2. Omission of Elements: “. Thus the ease of production result of claim 49 is different than the significantly more difficult to produce combination of Martinez and Abir.

**5. Ecology:** Claim 49 has great potential to provide ecology benefits because it does not emphasize or require the printing of paper. Paper is from organic matter, in most cases from trees, which are a limited and important natural resource. Claim 49 is a pure system and its ecology result is critical and different than the combination of Martinez and Abir. Martinez teaches the use of printers, the print function, as well as producing machine parts called a “computer readable storage medium” and “computer-usable medium”. Abir teaches producing a machine part called an “apparatus for inputting text”. Thus the production of machine parts and the print functions from the combination of Martinez and Abir create significantly more stress on the ecology than claim 49, which is a pure system.

**6. Market Size:** Claim 49 likely has a larger market size than the combination of Martinez and Abir. Claim 49 and its “at least one language of a multitude of languages” is common to people of many languages and meets the everyday needs of this large market. Instead the combination of Martinez and Abir shows the significantly less useful and not especially beneficial “items similar to the target item” for replacement in the main application. Thus the market size result of claim 49 is different than the combination of Martinez and Abir.

**7. Long Life Cycle:** Claim 49 has a potentially long life cycle that can be made and sold for many years because its “at least one language of a multitude of languages” is passed from generation to generation. This is an obvious strong advantage. Instead the combination of Martinez and Abir shows the significantly less useful and not profoundly worthwhile “items similar to the target item” for replacement in the main application. Thus the long life cycle result of claim 49 is different than the combination of Martinez and Abir.

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**8. Satisfies Existing Need:** Claim 49 satisfies an existing and recognized need. The “at least one language of a multitude of languages” of claim 49 is common to people of many languages and meets their everyday needs. Instead the combination of Martinez and Abir shows the significantly less useful and not compellingly practical “items similar to the target item” for replacement in the main application. Thus the existing need result of claim 49 is different than the combination of Martinez and Abir.

**9. Operability:** Claim 49 likely will work readily because it is a pure system that is simple and very useful. Instead the combination of Martinez and Abir will need significant additional design and technical development to make it practicable and workable. This is because Martinez teaches machine parts called a “computer readable storage medium” and a “computer-usable medium”. Likewise Abir teaches a machine part in his “apparatus for inputting text”. Further Martinez and Abir require numerous parts, steps and functions as discussed in the previous subheading “2. Omission of Elements: “. Thus the ready operability result of claim 49 is different than the combination of Martinez and Abir.

**10. Profitability:** Claim 49 likely is easy to sell at a profit or at an acceptable price level because its lean structure and pure system requires no expensive, difficult tooling or expensive exotic materials to build. In addition the claims’ “at least one language of a multitude of languages” is common to people of many languages and meets the everyday needs of this large market. Instead the combination of Martinez and Abir requires expensive tooling to produce the machine parts of “computer readable storage medium”, “computer-usable medium”, and “apparatus for inputting text”. The numerous other elements to build the combination are discussed in the above subheading “2. Omission of Elements: “. Further the combination shows the significantly less useful and not exceedingly pragmatic “items similar to the target item” for replacement in the main application. Thus claim 49 has a profitability advantage result over the combination of Martinez and Abir.

**11. Compatibility:** Claim 49 is likely to be compatible with existing patterns of use since it is a pure system and because a word and a pop up digital space are frequently used. Also claim 49 is likely to be compatible with existing customs because it’s “at least one language of a multitude of languages” is common to people of many languages. Instead the combination of Martinez and Abir requires machine parts called “computer readable storage medium”, “computer-usable

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medium”, and “apparatus for inputting text”. Further the combination provides the significantly less useful and not completely beneficial “items similar to the target item” for replacement in the main application. The combination and its items that are **merely** “similar” to the target item is likely much less compatible with existing customs and patterns of use than claim 49. Thus the compatibility result of claim 49 is different than the combination of Martinez and Abir.

**12. Easy to Promote:** Claim 49 is easy to promote because it’s “at least one language of a multitude of languages” is common to people of many languages and meets their everyday needs. Claim 49 with its pure system and high visibility makes it cheap and easy to promote, and this is a clear advantage. Instead the combination of Martinez and Abir requires machine parts called “computer readable storage medium”, “computer-usable medium”, and “apparatus for inputting text”. Further the combination provides the significantly less useful and not very worthwhile “items similar to the target item” for replacement in the main application. Thus the easy to promote result of claim 49 is different than the harder to promote combination of Martinez and Abir.

**13. High Sales Anticipated:** Claim 49 per se can anticipate a high sales volume because its “at least one language of a multitude of languages” is common to people of many languages and meets their everyday needs. Instead the combination of Martinez and Abir shows the significantly less useful and not exceedingly practical “items similar to the target item” for replacement in the main application. Thus high sales anticipated result of claim 49 is different than the combination of Martinez and Abir.

**14. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 49 likely will appeal to young people because it’s “at least one language of a multitude of languages” is very useful for young people to learn about a word in many languages. Claim 49 is important for the purposes of learning and education. Claim 49 is valuable because higher education is often a priority of young people.

Claim 49 will likely command more sales of the youth market than the combination of Martinez and Abir. The combination of Martinez and Abir shows the significantly less useful and not completely academic “items similar to the target item” for replacement in the main application. Since a user needs to already understand the not very educational “items similar” in order to use

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one for replacement, the combination is not very useful for young people. In addition the combination and its “items similar to the target item” is probably boring for most young people. Furthermore Martinez and Abir do **not** teach targeting the youth market. Thus the youth market result of claim 49 is different than the combination of Martinez and Abir.

**15. Unsuggested Modification:** Claim 49 recites “wherein: said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages.” **Martinez** lacks any suggestion that his invention should be modified in a manner required to meet claim 49. Martinez does **not** teach a “language” and a “multitude of languages” of claim 49, and does **not** even teach or mention the “English” language anywhere in his invention. Likewise **Abir** lacks any suggestion that his invention should be modified in a manner required to meet claim 49. Abir does not need the “items similar to the target item” of Martinez, and does not need the “at least one language of a multitude of languages” of claim 49. Thus the combination of Martinez and Abir clearly lacks any suggestion that their inventions should be modified in a manner to meet claim 49.

**16. Ancient Suggestion:** The O.A., regarding the suggested combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.” The applicant previously pointed out that Abir does **not** teach the language translator and electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention. Nevertheless the suggestion to add a language translator and an electronic dictionary to Martinez is many years old. In contrast claim 49 recites “wherein: said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages.” Thus to add “a language translator” and an “electronic dictionary” is an ancient suggestion that is different than claim 49.

**17. Misunderstood Reference:** The combination of Abir does **not** teach what the O.A. relies upon it as supposedly teaching. The O.A., regarding the suggested combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the

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art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention. Thus the reference of Abir is a misunderstood reference of claim 49.

**18. Strained Interpretation:** The O.A. has made a strained interpretation of Abir that could only be made by hindsight. The O.A., regarding the combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention. Thus Abir is a strained interpretation to meet claim 49.

**19. Solved Different Problem:** Claim 49 solves a different problem than the combination of Martinez and Abir, and such different problem is recited in the claim. Claim 49 recites “wherein: said word and said pop up digital space that substantially contains a content uses at least one language of a multitude of languages.” Claim 49 solves the educational problem of learning about a word in many languages. Instead the combination of Martinez and Abir solves the problem of inputting text and of providing the significantly less educational and not very beneficial “items similar to the target item”. A user needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the combination of Martinez and Abir and their inputting text and replacement operations solve a different problem than claim 49.

**20. No Convincing Reasoning:** The O.A. has not presented a convincing line of reasoning as to why the subject matter of claim 49 as a whole, including its differences over the combination of Martinez and Abir, would have been obvious. The O.A., regarding the combination of Martinez and Abir, stated “Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.”

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The applicant previously pointed out that Abir does **not** teach a language translator and an electronic dictionary in his claims 13-15 and his col. 8, or anywhere in his invention. Thus the O.A. statement regarding Abir is not a convincing line of reasoning that claim 49 would have been obvious.

**From the reasons discussed**, the applicant submits that claim 49 produces valuable new, unexpected, and different results and hence is unobvious and patentable over the combination of Martinez and Abir under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 49 is a fortiori patentable and should also be allowed.

**New Dependent Claim 50 is Submitted Under § 112**

New dependent claim 50 recites:

“The system of Claim 39 wherein: said pop up digital space uses at least one reference work from a multitude of reference works to provide a content.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”.

Claim 50 is newly added in the following ways with the accompanying reasons:

1. The “The system of Claim 39 wherein:” is added to recite the title of referred claim 39, and to make claim 50 clear, precise and logical under § 112, second paragraph.
2. The “said pop up digital space uses at least one reference work from a multitude of reference works to provide a content.” is added to make claim 50 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 50 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant’s specification.

Therefore, the applicant solicits allowance of new claim 50 under 35 U.S.C. § 112.

**New Dependent Claim 50 is Novel Over Martinez Under § 102**

Claim 50 recites: “The system of Claim 39 wherein: said pop up digital space uses at least one reference work from a multitude of reference works to provide a content.”

The reasons that claim 50 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of “New Independent Claim 39 is Novel Over Martinez Under § 102”.



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The applicant submits claim 50 is novel over Martinez for the following reasons:

1. Claim 50 recites "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content".

Claim 50 is novel over Martinez because he does **not** describe a "**reference work**" of the claim anywhere in his invention.

Thus claim 50 recites a novel physical feature that distinguishes over Martinez.

2. Claim 50 recites "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content".

Claim 50 is novel over Martinez because he does **not** describe "**a multitude of reference works**" of the claim anywhere in his invention.

Thus claim 50 recites novel physical features that distinguish over Martinez.

3. Martinez describes a **thesaurus** 9 times at (col. 1, In 39-45), at (col. 1, In 46-65), and in his claims 2, 12, 19, and 29. Martinez describes a **dictionary** 8 times at (col. 1, In 26-30), and in his claims 3, 13, 20, and 30.

Claim 50 and its "a multitude of reference works" recites a **large, indefinite number** "of reference works". Claim 50 is novel over Martinez because his **dictionary** and **thesaurus** is **not** a **large, indefinite number** "of reference works" as recited in the claim.

Thus claim 50 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 50 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 50 Is A Fortiori Patentable Over Martinez**

Dependent claim 50 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 50 incorporates all the limitations of independent claim 39, claim 50 is patentable for the same reasons given with respect to claim 39. Claim 50 is even more patentable because it adds additional elements.

Claim 50 recites: "The system of Claim 39 wherein: said pop up digital space uses at least one reference work from a multitude of reference works to provide a content."

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The new and unexpected results that flow from the novel physical features of claim 50 are discussed in the following reasons:

**1. Obviation of Specific Disadvantages of Existing Device:** Claim 50 recites "wherein: said pop up digital space uses at least one reference work from a multitude of reference works to provide a content." Martinez does **not** teach "a multitude of reference works" of claim 50. Instead Martinez teaches the significantly more limited "thesaurus or dictionary" and no other reference items, and this is a specific disadvantage of his invention in light of claim 50. Claim 50 obviates this specific disadvantage of Martinez because the claim's "a multitude of reference works" provides a large, indefinite number "of reference works". The "multitude of reference works" of claim 50 includes but are not limited to dictionaries, almanacs, encyclopedias, compilations, various subject oriented dictionaries, treatises, directories, monographs, works having quotations, and works on English Usage. As written in the applicant's specification, "Any other works that serve the purpose of being primary sources of many terms are legitimate..." reference works. Thus the large, indefinite number "of reference works" advantage of claim 50 obviates a specific disadvantage of Martinez.

**2. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 50 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 50 is simpler than Martinez without loss of capability. Claim 50 is demonstrated in working models in which the numerous elements of Martinez are omitted.

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**3. Novelty:** Claim 50 has a novelty result over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 50 is different than Martinez because he does **not** teach claim 50 and it's "a multitude of reference works". Instead Martinez teaches at (col. 6, In 9-11), "Database 1030 may be a thesaurus or dictionary, or may contain descriptions of goods or components, or may contain images, for example." Martinez teaches no other reference items. Hence Martinez and his significantly more limited "thesaurus or dictionary" is not "a multitude of reference works" of claim 50. Thus claim 50 has a novelty result over Martinez.

**4. Social Benefit:** Claim 50 has greater social benefits than Martinez because the claim provides important educational results. Claim 50 and its "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content" have more learning and educational value than from Martinez and his significantly more limited "thesaurus or dictionary". Martinez teaches no other reference items. Thus the social benefit result of claim 50 is different than Martinez.

**5. Market Size:** Claim 50 likely has a significantly larger market size than Martinez. Claim 50 and its "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content" is very useful to many people and meets the everyday needs of the market. Martinez does **not** teach the "a multitude of reference works" of claim 50. Instead Martinez teaches his significantly more limited "thesaurus or dictionary" and no other reference items. Thus the market size result of claim 50 is different than Martinez.

**6. Quality:** Claim 50 provides a higher quality output than Martinez because the claim recites "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content." Martinez does **not** teach "a multitude of reference works" that provide good editorial quality for claim 50 and its "content". Instead Martinez teaches a database is a thesaurus, and a database is a dictionary. Martinez teaches no other reference items. Hence Martinez and his thesaurus and dictionary databases that provide items that are **merely** similar to the target item show significantly lower editorial quality than claim 50. Thus the quality result of claim 50 is different than Martinez.

**7. Long Life Cycle:** Claim 50 has a potentially long life cycle that can be made and sold for many years because its "said pop up digital space uses at least one reference work from a

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multitude of reference works to provide a content" is very useful and has a timeless quality. Also the "multitude of reference works to provide a content" of claim 50 is passed from generation to generation. These are obvious strong advantages. Instead Martinez provides the significantly less useful and less promising "items similar to the target item" from thesaurus and dictionary databases. Thus the long life cycle result of claim 50 is different than Martinez.

**8. High Sales Anticipated:** Claim 50 can anticipate a high sales volume because its lean structure and system that uses "at least one reference work from a multitude of reference works to provide a content" is very educational, useful, convenient, cheap to produce, and easy to market. Claim 50 is different than Martinez because his invention is significantly more complex, expensive to produce, and less convenient. In addition Martinez's significantly less useful "items similar to the target item" is not profoundly practical. Hence Martinez is harder to market than claim 50. Thus Martinez's invention likely does not have a high sales anticipated result.

**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 50 likely will appeal to young people because the claim recites "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content". Claim 50 is very useful for young people because it provides content from a large, indefinite number of reference works that helps the learning experience. Claim 50 is important for the purposes of learning and education. Claim 50 is valuable because higher education is often a priority of young people.

Claim 50 will likely command more sales of the youth market than Martinez and his significantly more limited "thesaurus or dictionary". Martinez teaches no other reference items. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 50 is different than Martinez.

**10. Crowded Art:** Claim 50 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 50 provides the small step forward of "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content". This is a small step forward in the crowded art. Martinez teaches the different small step forward of providing the significantly more limited "thesaurus or dictionary" in the crowded art.

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**11. Poor Reference:** Martinez is a poor reference to claim 50. Claim 50 recites "said pop up digital space uses at least one reference work from a multitude of reference works to provide a content". Martinez is foreign to claim 50 because he does **not** teach "a multitude of reference works" of the claim. Instead Martinez teaches his significantly more limited "thesaurus or dictionary" and no other reference items. Thus Martinez is a weak reference to claim 50 and should be construed narrowly.

**12. Solved Different Problem:** Claim 50 solves a different problem than Martinez, and such different problem is recited in the claim of "wherein: said pop up digital space uses at least one reference work from a multitude of reference works to provide a content." Claim 50 solves the problem of providing content from a large, indefinite number "of reference works". Instead Martinez solves the different problem of providing the "items similar" from his significantly more limited "thesaurus or dictionary" to replace the target item. Thus Martinez and his replacement operation solve a different problem than claim 50.

**From the reasons discussed,** the applicant submits that claim 50 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 50 is a fortiori patentable and should also be allowed.

**New Dependent Claim 51 is Submitted Under § 112**

New dependent claim 51 recites:

"The system of Claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer."

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading "A Review of the reference of Martinez:".

Claim 51 is newly added in the following ways with the accompanying reasons:

1. The "The system of Claim 39 further comprising:" is added to recite the title of referred claim 39, and to make claim 51 clear, precise and logical under § 112, second paragraph.
2. The "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer." is added to make claim 51 clear, precise and logical under § 112, second paragraph.

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The applicant submits that new claim 51 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 51 under 35 U.S.C. § 112.

**New Dependent Claim 51 is Novel Over Martinez Under § 102**

Claim 51 recites: "The system of claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer."

The reasons that claim 51 is novel over Martinez include those from referred independent claim 39 as discussed in the above heading of "New Independent Claim 39 is Novel Over Martinez Under § 102".

The applicant submits claim 51 is novel over Martinez for the following reasons:

1. Claim 51 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer."

Claim 51 is novel over Martinez because he does **not** describe an "**extemporaneous**" of the claim anywhere in his invention.

Thus claim 51 recites a novel physical feature that distinguishes over Martinez.

2. Claim 51 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer."

Claim 51 is novel over Martinez because he does **not** describe a "**source**" of the claim anywhere in his invention.

Thus claim 51 recites a novel physical feature that distinguishes over Martinez.

3. Claim 51 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer."

Claim 51 is novel over Martinez because he does **not** describe the "**extemporaneous origin**" of the claim anywhere in his invention.

Thus claim 51 recites a novel physical feature that distinguishes over Martinez.

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Therefore from the reasons discussed, the applicant submits that claim 51 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Dependent Claim 51 Is A Fortiori Patentable Over Martinez**

Dependent claim 51 incorporates all the subject matter of independent claim 39 and adds additional subject matter which makes the claim a fortiori and independently patentable over Martinez, or any combination thereof.

Since claim 51 incorporates all the limitations of independent claim 39, claim 51 is patentable for the same reasons given with respect to claim 39. Claim 51 is even more patentable because it adds additional elements.

Claim 51 recites: "The system of claim 39 further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer."

The new and unexpected results that flow from the novel physical features of claim 51 are discussed in the following reasons:

**1. Obviation of Specific Disadvantages of Existing Device:** Claim 51 recites "further comprising: when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer." Martinez does **not** teach "an extemporaneous origin" of claim 51.

Instead Martinez teaches in his abstract "This might involve inserting a word into text with a word processor; the items may be words, and the database may be a thesaurus or dictionary, for example." Further Martinez recites in his claims 2, 12, 19, and 29: "and said database is a thesaurus." Further Martinez recites in his claims 3, 13, 20, and 30: "and said database is a dictionary." Further Martinez teaches at (col. 2, In 49-51), "This might involve inserting a word into text with a word processor; the items may be words, and the database may be a thesaurus or dictionary, for example." Further Martinez teaches at (col. 6, In 9-11), "Database 1030 may be a thesaurus or dictionary, or may contain descriptions of goods or components, or may contain images, for example."

Hence Martinez teaches, in these examples and elsewhere, a specific disadvantage. The specific disadvantage is the limited and too specific subject matter of a **database is a thesaurus** and a **database is a dictionary**.

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Claim 51 obviates this specific disadvantage of Martinez because the claim's "an extemporaneous origin" has flexibility and creativity advantages over his thesaurus and dictionary databases. This is because the "extemporaneous origin" of claim 51 provides the ad hoc creativity of various people like writers, editors, and artists. Thus the flexibility and creativity advantages of claim 51 obviate a specific disadvantage of Martinez.

**2. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 51 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation "click", the replacement of the target item, on analyzing the context the word "print", for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the "No" branch is taken at decision, a "Yes" branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 51 is simpler than Martinez without loss of capability. Claim 51 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**3. Novelty:** Claim 51 has a novelty result over Martinez. Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty results of claim 51 are different than Martinez and all previously known counterparts as of the applicant's filing date. Martine does not teach claim 51 and its "extemporaneous origin" anywhere in his invention. Thus claim 51 has a novelty result over Martinez.

**4. Social Benefit:** Claim 51 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer." Claim 51 has greater social benefits than Martinez because the claim provides important educational results. Claim 51 benefits from the ad hoc creativity of various people like writers, editors, and artists to provide content to learn about a word. Instead Martinez teaches the significantly less educational and less useful "items similar



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to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 51 is different than Martinez.

**5. Market Size:** Claim 51 likely has a significantly larger market size than Martinez. Claim 51 and its "extemporaneous origin such as a writer" has tremendous potential, is very useful and meets the everyday needs of the market. Martinez does **not** teach the "extemporaneous origin" of claim 51. Instead Martinez teaches the significantly less useful and too specific "items similar to the target item". Thus the market size result of claim 51 is different than Martinez.

**6. Long Life Cycle:** Claim 51 has a potentially long life cycle that can be made and sold for many years because its "extemporaneous origin" is very useful, has a timeless quality, and likely will be a permanent fixture. This is an obvious strong advantage of claim 51. Martinez does **not** teach the "extemporaneous origin" of claim 51. Instead Martinez provides the significantly less useful, too specific, and less promising "items similar to the target item". Thus the long life cycle result of claim 51 is different than Martinez.

**7. Related Product Addability:** Claim 51 likely will usher in new product lines because many products and services from "an extemporaneous origin" can be added. New product and service lines that are from the ad hoc creativity of various people like writers, editors, and artists can be added with claim 51. For example, a new custom built likeness of a faded medieval scroll manuscript provides the claim's "content". These are important advantages with potentially enhanced profits. Martinez does **not** teach "an extemporaneous origin" of claim 51. Thus the related product addability result of claim 51 is different than Martinez.

**8. High Sales Anticipated:** Claim 51 recites "when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer." Claim 51 can anticipate a high sales volume because its lean structure and system of providing content for a word "from an extemporaneous origin such as a writer" is very educational, useful, convenient, cheap to produce, and easy to market. Claim 51 is different than Martinez because his invention is significantly more complex, expensive to produce, and less convenient. In addition Martinez's significantly less useful "items similar to the target item" is not profoundly practical. Hence Martinez is harder to market than claim 51. Thus Martinez's invention likely does not have a high sales anticipated result.

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**9. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 51 likely will appeal to young people because the claim recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer”. The ad hoc creativity of various people like writers, editors, and artists that are the “extemporaneous origin” of claim 51 is likely more popular than something that is not attractive to young people such as Martinez’s invention.

Claim 51 will likely command more sales of the youth market than Martinez. The “items similar to the target item” of Martinez is probably boring for most young people. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 51 is different than Martinez.

**10. Unexpected Results:** The results achieved by claim 51 are new, unexpected, superior, disproportionate, unsuggested, unusual, critical, and surprising because the claim has “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer”. Martinez does **not** teach “an extemporaneous origin” of claim 51 anywhere in his invention. Thus claim 51 has unexpected results over Martinez.

**11. Crowded Art:** Claim 51 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 51 provides the small step forward of “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer”. This is a small step forward in the crowded art. Martinez teaches the unique and different small step forward of providing “items similar to the target item” in the crowded art.

**12. Poor Reference:** Martinez is a poor reference to claim 51. Claim 51 recites “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer”. Martinez is entirely foreign to claim 51 because he does **not** teach “an extemporaneous origin” of the claim anywhere in his invention. Thus Martinez is a weak reference to claim 51 and should be construed narrowly.

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**13. Solved Different Problem:** Claim 51 solves a different problem than Martinez, and such different problem is recited in the claim of “when said cursor is placed over said word on said screen, displaying said pop up digital space that substantially contains a content from an extemporaneous origin such as a writer.” The “extemporaneous origin” of claim 51 provides “content” that is from the ad hoc creativity of various people like writers, editors, and artists. Hence claim 51 solves a creativity problem. Instead Martinez solves the different problem of providing the significantly less useful and too specific “items similar” to replace the target item. Thus Martinez and his replacement operation solve a different problem than claim 51.

**From the reasons discussed,** the applicant submits that claim 51 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly the applicant submits that dependent claim 51 is a fortiori patentable and should also be allowed.

**New Independent Claim 52 is Submitted Under § 112**

New independent claim 52 recites:

“A system of presenting content about a word, comprising:

- a computer;
- a screen with said computer;
- a cursor on said screen;
- a word displayed on said screen;
- a pop up digital space for utilizing on said screen;
- when said cursor is substantially placed over said word on said screen, displaying said pop up space that substantially contains a menu with a pronunciation choice and a synonym choice;
- if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and
- if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”.

Claim 52 is newly added in the following ways with the accompanying reasons:

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1. The preamble "A system of presenting content about a word, comprising:" is added to summarize claim 52, and to make the claim clear and logical under § 112, second paragraph.
2. The "a computer; a screen with said computer; a cursor on said computer;" is added to make claim 52 clear, precise and logical under § 112, second paragraph.
3. The "a word displayed on said screen; a pop up digital space for utilizing on said screen;" is added to make claim 52 clear, precise and logical under § 112, second paragraph.
4. The "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;" is added to make claim 52 clear, precise and logical under § 112, second paragraph.
5. The "if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and" is added to make claim 52 clear, precise and logical under § 112, second paragraph.
6. The "if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word." is added to make claim 52 clear, precise and logical under § 112, second paragraph.

The applicant submits that new claim 52 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 52 under 35 U.S.C. § 112.

**New Independent Claim 52 is Novel Over Martinez Under § 102**

New independent claim 52 recites:

"A system of presenting content about a word, comprising:

- a computer;
- a screen with said computer;
- a cursor on said screen;
- a word displayed on said screen;
- a pop up digital space for utilizing on said screen;
- when said cursor is substantially placed over said word on said screen, displaying said pop up space that substantially contains a menu with a pronunciation choice and a synonym choice;

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if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and  
if said synonym choice is selected, then displaying a next pop up digital space that  
substantially contains a synonym for said word.”

The applicant submits claim 52 is novel over Martinez for the following reasons:

1. Claim 52 recites “a pronunciation for said word”.

Martinez does **not** describe a “**pronunciation**” of claim 52.

Thus claim 52 recites a novel physical feature that distinguishes over Martinez.

2. Claim 52 recites “a pronunciation choice and a synonym choice;”.

Martinez does **not** describe the 2 different “**choice**” of claim 52.

Thus claim 52 recites novel physical features that distinguish over Martinez.

3. Claim 52 recites “displaying said pop up digital space that substantially contains a menu with  
a pronunciation choice and a synonym choice;”.

Martinez does **not** describe a “**pop up digital space that substantially contains a menu with a  
pronunciation choice and a synonym choice**” of claim 52.

Thus claim 52 recites a novel physical feature that distinguishes over Martinez.

4. Claim 52 recites “a pronunciation for said word”.

Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to  
the target item**, and provides an indicator, 230, near word 210's position, to show the existence  
of similar items in said database.”

Claim 52 is novel over Martinez because the claim's “pronunciation for said word” has the  
preposition “**for**” which means “**with respect to**” (said word).

Instead Martinez describes “items similar to the target item” that has the preposition “**to**” which  
**does not** mean “**with respect to**” (the target item). Hence Martinez and his “items similar to the  
target item” is less about its “target item” than claim 52 and its “pronunciation **for** said word”.

Claim 52 and its “pronunciation for said word” is all about “said word”, since as mentioned, the  
“**for**” means “**with respect to**” (said word).

Thus claim 52 is novel and distinguishes over Martinez.

5. Claim 52 recites “a pronunciation for said word; and”.

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Martinez describes at (col. 4, In 26-29), "The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Claim 52 and its "a pronunciation for said word" is novel over Martinez and his "items similar to said target item". This is because claim 52 and its "**a pronunciation**" is a **direct** meaning for a word that distinguishes over Martinez and his "**items**" that are **merely** "**similar to the target item**".

Thus claim 52 recites a novel physical feature that distinguishes over Martinez.

6. Claim 52 is novel over Martinez due to MPEP 2131 and its application of § 102(e) which states:

The elements must be arranged as required by the claim, but this is not an *ipsisimis verbis* test, i.e., identity of terminology is not required.

Since Martinez does **not** describe "displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;", his invention is **not arranged** as required by claim 52. Claim 52 recites "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice; if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word."

Thus claim 52 recites novel physical features that distinguish over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 52 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Claim 52 Produces New and Unexpected Results and Hence is Unobvious and Patentable Over Martinez under § 103**

The applicant submits that the novel physical features of claim 52 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Martinez, or any combination thereof.

Independent claim 52 recites:

"A system of presenting content about a word, comprising:  
a computer;

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a screen with said computer;  
a cursor on said screen;  
a word displayed on said screen;  
a pop up digital space for utilizing on said screen;  
when said cursor is substantially placed over said word on said screen, displaying said pop up space that substantially contains a menu with a pronunciation choice and a synonym choice;  
if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and  
if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word.”

The new and unexpected results that flow from the novel physical features of claim 52 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 52 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation “click”, the replacement of the target item, on analyzing the context the word “print”, for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the “No” branch is taken at decision, a “Yes” branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements.

Thus claim 52 is simpler than Martinez without loss of capability. Claim 52 is demonstrated for the most part in working models in which the numerous elements of Martinez are omitted.

**2. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 52 recites in the preamble, “A system of presenting content about a word, comprising:”.

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Instead Martinez teaches at (col. 4, In 26-29), "The invention searches a database for items similar to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database."

Martinez and his "items similar to said target item" is a specific disadvantage because it provides items that are **merely** "similar" to the target item. Claim 52 obviates this specific advantage of Martinez because the claim presents "content about a word". This is an important advantage of claim 52 that is different than Martinez. Thus claim 52 overcomes a specific disadvantage of Martinez.

**3. Cost:** Claim 52 is likely to be cheaper to build per se than Martinez because the claim is a pure system. The low cost to build of claim 52 is demonstrated for the most part in a working model made by low cost software. The software retails for \$450 and is called "PowerPoint® 2007" which is part of the "Microsoft® Office Small Business 2007" suite containing 5 other programs.

The low cost result of claim 52 is different than Martinez because Martinez teaches machine parts called a "computer readable storage medium" and a "computer-usable medium". In addition Martinez's invention has numerous parts, steps and functions as discussed in the above subheading "1. Omission of Elements: ". Thus Martinez's machine parts and numerous elements are likely many times more costly to build than the pure system of claim 52.

**4. Ease of Use:** Claim 52 is easier to learn and use than Martinez because the claim recites "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice; if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word." Claim 52 requires virtually no learning because a user simply places a cursor over a word to display a menu with 2 choices, and one or more subsequent selection steps. This ease of use advantage of claim 52 is especially important in computer innovations because the claim enables people to use the computer more facilely, and this counts a great deal.

The ease of use result of claim 52 is different than Martinez because his invention is significantly harder to learn and use. Martinez, for example, requires the learning to use of his numerous



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parts, steps and functions like the recursive search process, recursive annotation function, and recursive pop-up display function. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements:". Thus claim 52 has an ease of use result over Martinez.

**5. Ease of Production:** Claim 52 per se and its pure system is easier and cheaper to produce than Martinez. The ease of production of claim 52 is demonstrated for the most part in working models made by basic software. In contrast Martinez teaches machine parts called a "computer readable storage medium" and a "computer-usable medium". In addition Martinez teaches complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function that needs significant programming to produce. Martinez's invention has numerous other parts, steps and functions as discussed in the above subheading "1. Omission of Elements:". Thus the ease of production result of claim 52 is different than the significantly more difficult to produce invention of Martinez.

**6. Novelty:** Claim 52 has novelty results over Martinez because the claim recites "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice; if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word."

Merely making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 52 is different than Martinez and all previously known counterparts as of the applicant's filing date.

Martinez does **not** teach claim 52 and its "pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;" anywhere in his invention. Thus claim 52 has novelty results over Martinez.

**7. Convenience:** Claim 52 makes living easier and more convenient because it provides a menu with a pronunciation choice and a synonym choice for selection in a pop up digital space, and this is an advantage. Martinez does **not** teach the convenience advantage of claim 52. In addition Martinez requires numerous parts, steps and functions that take much more time to use which is not convenient. The numerous element of Martinez are discussed in the above

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subheading "1. Omission of Elements:". Thus the convenience and mechanization result of claim 52 is different than Martinez.

**8. Social Benefit:** Claim 52 has greater social benefits than Martinez because the claim provides important educational results. Claim 52 recites "displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;". Martinez does **not** teach claim 52 and instead teaches the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the social benefit result of claim 52 is different than Martinez.

**9. Ecology:** Claim 52 has great potential to provide ecology benefits because it does not emphasize or require the printing of paper. Paper is from organic matter, in most cases from trees, which are a limited and important natural resource. Claim 52 provides a pop up digital space containing a menu with pronunciation and synonym choices for a word on a computer screen, and is a pure system. The ecology result of claim 52 is critical and different than Martinez because he teaches the use of printers, the print function, as well as producing machine parts called a "computer readable storage medium" and a "computer-usable medium". Thus the production of machine parts and the print functions of Martinez create significantly more stress on the ecology than the pure system of claim 52.

**10. Salability:** Claim 52 likely is easier to sell and market than Martinez. Claim 52 and its "menu with a pronunciation choice and a synonym choice" is very helpful and educational. These advantages of claim 52 are common to many people. Instead Martinez teaches the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the salability result of claim 52 is different than Martinez.

**11. Precision:** Claim 52 provides greater precision than Martinez. Claim 52 and its "a correct contextual meaning of said word is substantially and distinctly indicated" has significantly more precise information about a word than Martinez's items that are **merely** similar to the target item. Thus the precision result of claim 52 is different than Martinez.

**12. Market Size:** Claim 52 likely has a significantly larger market size than Martinez. Claim 52 and its "pop up digital space that substantially contains a menu with a pronunciation choice

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and a synonym choice” has educational value for many people and meets the everyday needs of the market. Instead Martinez teaches his significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the market size result of claim 52 is different than Martinez.

**13. Potential Competition:** Claim 52 is potentially very popular because of its “pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice”. Also claim 52 and its pure system is so simple, educational, and easy to produce that many imitators and copiers are likely to attempt to copy it or design around it, or try to break the claim as soon as it is brought out. Martinez does **not** teach claim 52 anywhere in his invention.

Instead Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. In addition Martinez is significantly harder to produce with his machine parts called a “computer readable storage medium” and “computer-usable medium” and the complicated recursive search process, recursive annotation function, and recursive pop-up display function. Thus Martinez is not likely to be imitated or copied by potential competition.

**14. Quality:** Claim 52 and its “menu with a pronunciation choice and a synonym choice” has significantly higher quality and richer information than Martinez and his items that are **merely** “similar” to the target item. Thus claim 52 has a quality result over Martinez.

**15. New Use:** Claim 52 has discovered a new use for a pronunciation and a synonym that did not exist as of the applicant’s filing date. The pronunciation and synonym are newly used in claim 52 as choices on a menu in a pop up digital space on a computer screen. Martinez does **not** teach this new use of claim 52 anywhere in his invention. Thus claim 52 has a new use result over Martinez.

**16. Long Life Cycle:** Claim 52 has a potentially long life cycle that can be made and sold for many years because it’s educational “a pronunciation” and “a synonym” for a word is passed from generation to generation. Claim 52 provides them as choices on a menu in a pop up digital space. These are obvious strong advantages. Martinez does **not** teach these advantages of claim 52. Instead Martinez provides the significantly less educational and less promising “items

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similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the long life cycle result of claim 52 is different than Martinez.

**17. Satisfies Existing Need:** Claim 52 will satisfy an existing, recognized need because it provides the educational "menu with a pronunciation choice and a synonym choice" in a simple, convenient, and unique system. The "pronunciation choice and a synonym choice" of claim 52 is very useful and provides a learning experience about a word for many people. Martinez does not satisfy the existing need of claim 52 because he does **not** teach the claim's "menu with a pronunciation choice and a synonym choice". Instead Martinez provides the significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus the existing need result of claim 52 is different than Martinez.

**18. Development:** Claim 52 per se is already designed for the market because its lean structure and pure system for providing its menu with a pronunciation choice and a synonym choice and at least one subsequent selection will not require significant development. The development result of claim 52 is demonstrated for the most part in working models that took about 2 hours to produce. The models were produced using standard low cost software, a laptop computer, and a few techniques.

The development result of claim 52 is different than Martinez because his numerous parts, steps, and functions require substantial additional programming and appearance work to develop. Martinez needs significant development for his machine parts called "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez needs significantly more development than claim 52.

**19. Operability:** Claim 52 and its pure system likely will work readily as demonstrated for the most part in working models made by basic inexpensive software. The ready operability result of claim 52 is different than Martinez. Martinez teaches machine parts called a "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display

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function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez has a significantly less ready operability result than claim 52.

**20. Profitability:** Claim 52 likely is easy to sell at a profit or at an acceptable price level because its lean structure and pure system requires no expensive and difficult development tooling or expensive exotic materials to build. Claim 52 is demonstrated for the most part in working models built by basic inexpensive software. The profitability result of claim 52 is different than Martinez because he requires expensive tooling to produce his machine parts called "computer readable storage medium", "computer-usable medium" as well as numerous other elements to build that are discussed in the above subheading "1. Omission of Elements: ". Further claim 52 and its "menu with a pronunciation choice and a synonym choice" is very useful and educational for many people. Instead Martinez provides the significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus Martinez likely has a significantly less profitability result than claim 52.

**21. Minimal Learning Required:** People will have to undergo minimal or no learning in order to use claim 52 because the claim recites "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice; if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word." Claim 52 requires virtually no learning because a user simply places a cursor over a word to display a menu with 2 choices, and one or more subsequent selection steps, and this is a strong advantage. Martinez does not teach this advantage of claim 52. Instead Martinez requires learning the intricacies of the lookup functions, recursive search process, recursive annotation function, and recursive pop-up display function. In addition Martinez requires numerous other parts, steps and functions that take significantly more learning to use. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus the minimal or no learning result of claim 52 is different than Martinez.

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**22. Combination Product:** Claim 52 and its separate functions of “a menu with a pronunciation choice and a synonym choice” and “if said pronunciation choice is selected, then a pronunciation for said word is conveyed; and if said synonym choice is selected, then displaying a next pop up digital space that substantially contains a synonym for said word” produces a combination product that grooves well together to increase the overall learning about a word. The combination of claim 52 did not exist as of the applicant’s filing date. Martinez does **not** teach this combination product of claim 52. Thus the combination product result of claim 52 is different than Martinez.

**23. Prototype Availability:** Claim 52 has a prototype available and demonstrated for the most part in working models. The prototype of claim 52 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**24. Broad Patent Coverage Available:** Claim 52 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 52 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 52 performs the unique functions of “when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;”. Martinez does **not** teach claim 52 anywhere in his invention. Instead Martinez provides the unique and not exceedingly worthwhile “items similar to the target item”. Thus the likely broad patent coverage result of claim 52 is different than Martinez.

**25. High Sales Anticipated:** Claim 52 per se can anticipate a high sales volume because its system of providing a “pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;” is convenient, cheap to produce, and easy to market. Claim 52 is different than Martinez because his invention is significantly more complex, expensive to produce, and less convenient. In addition Martinez’s “items similar to the target item” is not profoundly practical. Hence Martinez is harder to market than claim 52. Thus Martinez’s invention likely does not have a high sales anticipated result.

**26. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this

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age group. Claim 52 likely will appeal to young people because the claim is very useful for young people to learn about a word. Claim 52 and its “menu with a pronunciation choice and a synonym choice;” help the learning experience. Claim 52 is important for the purposes of learning and education. Claim 52 is valuable because higher education is often a priority of young people.

Claim 52 will likely command more sales of the youth market than Martinez and his significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 52 is different than Martinez.

**27. Unexpected Results:** The results achieved by claim 52 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical, surprising and did not exist as of the applicant's filing date. Claim 52 provides the unexpected results of “when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;”. Martinez does **not** teach the unexpected results of claim 52.

**28. Crowded Art:** The system of claim 52 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 52 provides the small step forward in the crowded art of “when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;”. Martinez provides the different small step forward of displaying the unique “items similar to the target item” in the crowded art.

**29. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 52. Claim 52 recites “a menu with a pronunciation choice and a synonym choice;”. Martinez does **not** teach claim 52 because the claim's “menu with a pronunciation choice and a synonym choice” does not fit with his “items similar to the target item”. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 52.

**30. Unappreciated Advantage:** Martinez and those skilled in the art never appreciated the advantage of claim 52 as of the applicant's filing date although it is inherent. Claim 52 provides

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the advantage of “when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;”. Martinez does **not** teach this advantage of claim 52. Thus claim 52 has an unappreciated advantage result not taught by Martinez and the prior art.

**31. Poor Reference:** Martinez is a poor reference to claim 52. Martinez does **not** teach “a menu with a pronunciation choice and a synonym choice;” of claim 52. Hence Martinez and his “items similar to the target item” are vague, foreign and conflicting to claim 52. Thus Martinez is a weak reference to claim 52 and should be construed narrowly.

**32. Lack of Implementation:** If claim 52 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant’s filing date. Claim 52 has the advantages of “when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;”. The fact that Martinez and those skilled in the art have not implemented claim 52, despite its great advantages, indicates that it is not obvious.

**33. Contrarian Invention:** Claim 52 is contrary to the teachings of Martinez. Claim 52 and its “menu with a pronunciation choice and a synonym choice” is contrary to Martinez and his “items similar to the target item”. Further “a pronunciation for said word” of claim 52 goes against the grain of Martinez and his “items similar to the target item”. Thus claim 52 has a contrarian result over Martinez.

**34. Solved Different Problem:** Claim 52 solves a different problem than Martinez, and such different problem is recited in the claim of “displaying said pop up digital space that substantially contains a menu with a pronunciation choice and a synonym choice;”. Claim 52 solves an educational problem by providing “a pronunciation for said word” and “a synonym for said word” in a simple and convenient manner. Instead Martinez provides the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 52.



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**From the reasons discussed**, the applicant submits that independent claim 52 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly, the applicant submits that independent claim 52 is allowable over Martinez and solicits allowance.

**New Independent Claim 53 is Submitted Under § 112**

New independent claim 53 recites:

“A system of presenting content for understanding a word, comprising:

a computer;

a screen with said computer;

a cursor on said screen;

a word in a text displayed on said screen;

a pop up digital space for utilizing on said screen;

when said cursor is substantially placed over said word on said screen, displaying said pop

up space that substantially contains more than one meaning of said word; and

a correct contextual meaning of said word is substantially and distinctly indicated.”

**A Review of the Reference of Martinez:** Martinez is discussed in the above heading “A Review of the reference of Martinez.”.

Claim 53 is newly added in the following ways with the accompanying reasons:

1. The preamble “A system of presenting content for understanding a word, comprising:” is added to summarize claim 53, and to make the claim clear and logical under § 112, second paragraph.
2. The “a computer; a screen with said computer; a cursor on said computer;” is added to make claim 53 clear, precise and logical under § 112, second paragraph.
3. The “a word displayed on said screen; a pop up digital space for utilizing on said screen;” is added to make claim 53 clear, precise and logical under § 112, second paragraph.
4. The “when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains more than one meaning of said word; and” is added to make claim 53 clear, precise and logical under § 112, second paragraph.
5. The “a correct contextual meaning of said word is substantially and distinctly indicated.” is added to make claim 53 clear, precise and logical under § 112, second paragraph.

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The applicant submits that new claim 53 distinctly claims the subject matter and is clear and understandable. No new matter has been added and the subject matter of the claim is supported in the applicant's specification.

Therefore, the applicant solicits allowance of new claim 53 under 35 U.S.C. § 112.

**New Independent Claim 53 is Novel Over Martinez Under § 102**

New independent claim 53 recites:

“A system of presenting content for understanding a word, comprising:

a computer;

a screen with said computer;

a cursor on said screen;

a word in a text displayed on said screen;

a pop up digital space for utilizing on said screen;

when said cursor is substantially placed over said word on said screen, displaying said pop up space that substantially contains more than one meaning of said word; and

a correct contextual meaning of said word is substantially and distinctly indicated.”

The applicant submits claim 53 is novel over Martinez for the following reasons:

1. Claim 53 recites “more than one meaning for said word”.

Claim 53 is novel over Martinez because he does **not** describe a “**meaning**” of the claim anywhere in his invention.

Thus claim 53 recites novel physical features that distinguish over Martinez.

2. Claim 53 recites “a correct contextual meaning of said word”.

Claim 53 is novel over Martinez because he does **not** describe “**a correct contextual meaning of said word**” of the claim anywhere in his invention.

Thus claim 53 recites novel physical features that distinguish over Martinez.

3. Claim 53 recites “displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated.”

Claim 53 is novel over Martinez because he does **not** describe “a correct contextual meaning of said word is substantially and **distinctly indicated**” in a “pop up digital space” of the claim anywhere in his invention.

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Thus claim 53 recites novel physical features that distinguish over Martinez.

4. Claim 53 recites “displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated.”

Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”

Claim 53 and its “**more than one meaning of said word; and a correct contextual meaning of said word**” is novel over Martinez and his “**items**” that are merely “**similar to the target item**”.

Thus claim 53 recites novel physical features that distinguish over Martinez.

5. Claim 53 recites “a correct contextual meaning of said word is substantially and distinctly indicated.” Martinez describes at (col. 4, In 26-29), “The invention searches a database for **items similar to the target item**, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”

Claim 53 and its “**a correct contextual meaning of said word**” is novel over Martinez and his “**items similar to said target item**”. This is because claim 53 and its “**correct contextual meaning**” is a **direct** meaning for “**said word**” that distinguishes over Martinez and his “**items**” that are merely “**similar to the target item**”.

Thus claim 53 recites a novel physical feature that distinguishes over Martinez.

**Therefore** from the reasons discussed, the applicant submits that claim 53 is novel over Martinez and solicits allowance under 35 U.S.C. § 102.

**Claim 53 Produces New and Unexpected Results and Hence is Unobvious and Patentable Over Martinez under § 103**

The applicant submits that the novel physical features of claim 53 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Martinez, or any combination thereof.

Independent claim 53 recites:

“A system of presenting content for understanding a word, comprising:

a computer;

a screen with said computer;

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a cursor on said screen;  
a word in a text displayed on said screen;  
a pop up digital space for utilizing on said screen;  
when said cursor is substantially placed over said word on said screen, displaying said pop up space that substantially contains more than one meaning of said word; and  
a correct contextual meaning of said word is substantially and distinctly indicated.”

The new and unexpected results that flow from the novel physical features of claim 53 are discussed in the following reasons:

**1. Omission of Elements:** The numerous elements of Martinez that are omitted in claim 53 are: recursive search processes, items similar to the target item, indicator displays a number, showing how many similar items exist, indicator appears as a superscript number superimposed over a small translucent book icon, indicator that includes a function as an icon for sending a command for access or display, the notation “click”, the replacement of the target item, on analyzing the context the word “print”, for example, has been identified as a noun so similar nouns are listed first among similar items, the mechanism writes data to main application, the “No” branch is taken at decision, a “Yes” branch, lookup functions, lookup function stores a list of similar items, a selected similar item is inserted in place of an original item, inserting a word into text, recursive pop-up display function terminates at block 1390, similar items as images to a target item of an image, and similar items might be components of the same shape as the target item but with various dimensions or made of various materials than the target item, among other elements. Thus claim 53 is simpler than Martinez without loss of capability. Claim 53 is demonstrated in working models in which the numerous elements of Martinez are omitted.

**2. Obviation of a Specific Disadvantage of an Existing Invention:** Claim 53 recites in the preamble, “A system of presenting content for understanding a word, comprising:  
Instead Martinez teaches at (col. 4, In 26-29), “The invention searches a database for items similar to the target item, and provides an indicator, 230, near word 210's position, to show the existence of similar items in said database.”  
Martinez and his “items similar to said target item” is a specific disadvantage because it provides items that are merely “similar” to the target item. Claim 53 obviates this specific advantage of Martinez because the claim presents “content for understanding a word”. This is an important

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advantage of claim 53 that is different than Martinez. Thus claim 53 overcomes a specific disadvantage of Martinez.

**3. Cost:** Claim 53 is likely to be cheaper to build per se than Martinez because the claim is a pure system. The low cost to build of claim 53 is demonstrated in a working model made by low cost software. The software retails for \$450 and is called "PowerPoint® 2007" which is part of the "Microsoft® Office Small Business 2007" suite containing 5 other programs.

The low cost result of claim 53 is different than Martinez because Martinez teaches machine parts called a "computer readable storage medium" and a "computer-usable medium". In addition Martinez's invention has numerous parts, steps and functions as discussed in the above subheading "1. Omission of Elements: ". Thus Martinez's machine parts and numerous elements are likely many times more costly to build than the pure system of claim 53.

**4. Speed:** Claim 53 is able to do a job faster than Martinez because the claim recites "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated."

Claim 53 requires the fast step of simply placing a cursor over a word to present its correct contextual meaning of a word. Claim 53 is a benefit because its speed advantage is important in computer innovations. The speed result of claim 53 is different than Martinez. Martinez recites 2 steps in his independent claim 1 to display his similar items, and at least 1 more step such as for replacement. His independent claims 11, 18, and 28 also recite the same steps as independent claim 1.

Claim 1 of Martinez recites "A computer-implemented method of providing access to a database, said method comprising: providing a recursive search process that includes a-d below: a.

**responsive** to a cursor's position, identifying a target item; b. searching a database for items similar to said target item; c. providing an indicator, near said target item's position, to show the existence of similar items in said database; and d. **responsive** to a command for access, providing access to said similar items; applying, to a first item in a main application, said recursive search process, **wherein any one of said similar items may become said target item** for said recursive search process; and **responsive** to a command for replacement, replacing said first item with an item from said database."

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Although Martinez's at least 2 user action steps do not take a long time, it is significant compared to claim 53. The speed result of claim 53 is demonstrated in working models in which simply placing a cursor over a word is all that is required.

**5. Ease of Use:** Claim 53 is easier to learn and use than Martinez because the claim recites "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated." Claim 53 requires virtually no learning because a correct contextual meaning of a word is already distinctly indicated when cursor is simply placed over a word. This ease of use advantage of claim 53 is especially important in computer innovations because the claim enables people to use the computer more facilely, and this counts a great deal.

The ease of use result of claim 53 is different than Martinez because his invention is significantly harder to learn and use. Martinez, for example, requires the learning to use of his numerous parts, steps and functions like the recursive search process, recursive annotation function, and recursive pop-up display function. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements:". Thus claim 53 has an ease of use result over Martinez. The ease of use of claim 53 is demonstrated in working models in which simply placing a cursor over a word is all that is required.

**6. Ease of Production:** Claim 53 per se and its pure system is easier and cheaper to produce than Martinez. The ease of production of claim 53 is demonstrated in working models made by basic software. In contrast Martinez teaches machine parts called a "computer readable storage medium" and a "computer-usable medium". In addition Martinez teaches complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function that needs significant programming to produce. Martinez's invention has numerous other parts, steps and functions as discussed in the above subheading "1. Omission of Elements:". Thus the ease of production result of claim 53 is different than the significantly more difficult to produce invention of Martinez.

**7. Novelty:** Claim 53 has novelty results over Martinez because the claim recites "displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated." Merely

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making a claim different may not appear to be an advantage per se, but it's usually a great advantage. The novelty result of claim 53 is different than Martinez and all previously known counterparts as of the applicant's filing date.

Martinez does **not** teach claim 53 and its "meaning" and "correct contextual meaning of said word is highlighted" that is contained in a "pop up digital space" anywhere in his invention. Thus claim 53 has novelty results over Martinez.

**8. Convenience/Mechanization:** Claim 53 makes living easier and more convenient because it already distinctly indicates a correct contextual meaning of a word in a pop up digital space, and this is an advantage. Claim 53 computerizes the manual task of using techniques such as using a pencil to write the correct meaning of a word on paper. Martinez does **not** teach the mechanization advantage of claim 53. Also claim 53 is more convenient than Martinez because the claim requires simply placing a cursor over a word to present its correct contextual meaning of a word. Instead Martinez's at least 2 user action steps make his invention much less convenient than claim 53. In addition Martinez requires numerous parts, steps and functions that take much more time to use which is not convenient. The numerous element of Martinez are discussed in the above subheading "1. Omission of Elements:". Thus the convenience and mechanization result of claim 53 is different than Martinez.

**9. Social Benefit:** Claim 53 has greater social benefits than Martinez because the claim provides important educational results. Claim 53 provides certainty by substantially indicating a correct contextual meaning of a word, and this facilitates the learning experience. Claim 53 prevents people from having to guess the correct contextual meaning of a word when more than one meaning are presented. Martinez does **not** teach this social benefit of claim 53. Thus the social benefit result of claim 53 is different than Martinez.

**10. Ecology:** Claim 53 has great potential to provide ecology benefits because it does not emphasize or require the printing of paper. Paper is from organic matter, in most cases from trees, which are a limited and important natural resource. Claim 53 provides a pop up digital space containing a correct contextual meaning of a word on a computer screen, and is a pure system. The ecology result of claim 53 is critical and different than Martinez because he teaches the use of printers, the print function, as well as producing machine parts called a "computer readable storage medium" and a "computer-usable medium". Thus the production of machine

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parts and the print functions of Martinez create significantly more stress on the ecology than the pure system of claim 53.

**11. Salability:** Claim 53 likely is easier to sell and market than Martinez. Claim 53 and its “a correct contextual meaning of said word is substantially and distinctly indicated” is very helpful and educational. These advantages of claim 53 are common to many people. Instead Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the salability result of claim 53 is different than Martinez.

**12. Precision:** Claim 53 provides greater precision than Martinez. Claim 53 and its “a correct contextual meaning of said word is substantially and distinctly indicated” has significantly more precise information about a word than Martinez’s items that are **merely** similar to the target item. Thus the precision result of claim 53 is different than Martinez.

**13. Market Size:** Claim 53 likely has a significantly larger market size than Martinez. Claim 53 and its “a correct contextual meaning of said word is substantially and distinctly indicated” is very useful, has educational value for many people and meets the everyday needs of the market. Instead Martinez teaches his significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the market size result of claim 53 is different than Martinez.

**14. Potential Competition:** Claim 53 is potentially very popular because of its “a correct contextual meaning of said word is substantially and distinctly indicated”. Also claim 53 and its pure system is so simple, educational, and easy to produce that many imitators and copiers are likely to attempt to copy it or design around it, or try to break the claim as soon as it is brought out. Martinez does **not** teach claim 53 anywhere in his invention. Instead Martinez teaches the significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. In addition Martinez is significantly harder to produce with his machine parts called a “computer readable storage medium” and “computer-usable medium” and



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the complicated recursive search process, recursive annotation function, and recursive pop-up display function. Thus Martinez is not likely to be imitated or copied by potential competition.

**15. Quality:** Claim 53 and its “a correct contextual meaning of said word is substantially and distinctly indicated” has significantly higher quality and richer information than Martinez and his items that are **merely** “similar” to the target item. Thus claim 53 has a quality result over Martinez.

**16. New Use:** Claim 53 has discovered a new use for the indicated function that did not exist as of the applicant’s filing date. The function is newly used in claim 53 to indicate, for example by highlighting, a correct contextual meaning of a word in a pop up digital space. Martinez does **not** teach this new use of claim 53 anywhere in his invention. Thus claim 53 has a new use result over Martinez.

**17. Long Life Cycle:** Claim 53 has a potentially long life cycle that can be made and sold for many years because its educational “more than one meaning of said word” is passed from generation to generation. Also the claim’s “a correct contextual meaning of said word is substantially and distinctly indicated” is very useful and has a timeless quality. These are obvious strong advantages. Martinez does **not** teach these advantages of claim 53. Instead Martinez provides the significantly less educational and less promising “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the long life cycle result of claim 53 is different than Martinez.

**18. Satisfies Existing Need:** Claim 53 will satisfy an existing, recognized need because it provides the educational “a correct contextual meaning of said word is substantially and distinctly indicated” in a simple, convenient, and unique system. The “correct contextual meaning of a word” of claim 53 provides certainty and enhances the learning experience about a word for many people. Martinez does not satisfy the existing need of claim 53 because he does **not** teach the claim’s “a correct contextual meaning of said word is substantially and distinctly indicated”. Instead Martinez provides the significantly less educational “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Thus the existing need result of claim 53 is different than Martinez.

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**19. Operability:** Claim 53 and its pure system likely will work readily as demonstrated in working models made by basic inexpensive software. The ready operability result of claim 53 is different than Martinez. Martinez teaches machine parts called a "computer readable storage medium", "computer-usable medium", and complicated functions like a recursive search process, a recursive annotation function, and a recursive pop-up display function, among other numerous elements that needs very significant production and programming to be workable. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Thus Martinez has a significantly less ready operability result than claim 53.

**20. Profitability:** Claim 53 likely is easy to sell at a profit or at an acceptable price level because its lean structure and pure system requires no expensive and difficult development tooling or expensive exotic materials to build. Claim 53 is demonstrated in working models built by basic inexpensive software. The profitability result of claim 53 is different than Martinez because he requires expensive tooling to produce his machine parts called "computer readable storage medium", "computer-usable medium", as well as numerous other elements to build that are discussed in the above subheading "1. Omission of Elements: ". Further claim 53 and its "a correct contextual meaning of said word is substantially and distinctly indicated" is very useful and educational for many people. Instead Martinez provides the significantly less educational "items similar to the target item". This is because a user of Martinez needs to already understand the not very educational "items similar" in order to use one for replacement. Thus Martinez likely has a significantly less profitability result than claim 53.

**21. Minimal Learning Required:** People will have to undergo minimal or no learning in order to use claim 53 because the claim recites "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated."

Simply placing a cursor over word of claim 53 to present the correct contextual meaning of a word requires minimal or no learning and this is a strong advantage. Martinez does **not** teach this advantage of claim 53. Instead Martinez requires learning the intricacies of the lookup functions, recursive search process, recursive annotation function, and recursive pop-up display function. In addition Martinez requires numerous other parts, steps and functions that take

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significantly more learning to use. The numerous elements of Martinez are discussed in the above subheading "1. Omission of Elements: ". Claim 53 is demonstrated in working models in which simply placing a cursor over a word is all that is required. Thus the minimal or no learning result of claim 53 is different than Martinez.

**22. Combination Product:** Claim 53 and its separate functions of "said pop up digital space substantially contains more than one meaning of said word" and "a correct contextual meaning of said word is substantially and distinctly indicated" produces a combination product that grooves well together to enhance the learning experience. The combination of claim 53 did not exist as of the applicant's filing date. Martinez does **not** teach this combination product of claim 53. Thus the combination product result of claim 53 is different than Martinez.

**23. Prototype Availability:** Claim 53 has a prototype available and demonstrated in working models. The prototype of claim 53 will make it far easier to market since potential purchasers or licensees will be much more likely to buy something which is real and tangible rather than on paper only.

**24. Broad Patent Coverage Available:** Claim 53 likely will have broad patent coverage available if allowed and this will affect profitability. Since claim 53 is the only source that performs its certain, unique functions, the claim will be able to charge more than it would in a competitive situation. Claim 53 performs the unique functions of "a correct contextual meaning of said word is substantially and distinctly indicated." Martinez does **not** teach claim 53 anywhere in his invention. Instead Martinez provides the unique and not exceedingly worthwhile "items similar to the target item". Thus the likely broad patent coverage result of claim 53 is different than Martinez.

**25. High Sales Anticipated:** Claim 53 per se can anticipate a high sales volume because its system of providing "a correct contextual meaning of said word is substantially and distinctly indicated" is convenient, cheap to produce, and easy to market. Claim 53 is different than Martinez because his invention is significantly more complex, expensive to produce, and less convenient. In addition Martinez's "items similar to the target item" is not profoundly practical. Hence Martinez is harder to market than claim 53. Thus Martinez's invention likely does not have a high sales anticipated result.

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**26. Youth Market:** Young people have substantial discretionary income and tend to spend more in many product areas than the rest of the population, and computers are popular with this age group. Claim 53 likely will appeal to young people because the claim is very useful for young people to learn about a word. Claim 53 and its “correct contextual meaning of said word is substantially and distinctly indicated” help the learning experience. Claim 53 is important for the purposes of learning and education. Claim 53 is valuable because higher education is often a priority of young people.

Claim 53 will likely command more sales of the youth market than Martinez and his significantly less educational and less useful “items similar to the target item”. This is because a user of Martinez needs to already understand the not very educational “items similar” in order to use one for replacement. Furthermore Martinez does **not** teach targeting the youth market. Thus the youth market result of claim 53 is different than Martinez.

**27. Unexpected Results:** The results achieved by claim 53 are new, unexpected, superior, disproportionate, unusual, unsuggested, critical, surprising and did not exist as of the applicant's filing date. Claim 53 provides the unexpected results of “displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated.” Martinez does **not** teach the unexpected results of claim 53.

**28. Crowded Art:** The system of claim 53 is classified in the crowded art of computers, and therefore a small step forward should be regarded as significant. Claim 53 provides the small step forward in the crowded art of “a correct contextual meaning of said word is substantially and distinctly indicated.” Martinez provides the different small step forward of displaying the unique “items similar to the target item” in the crowded art.

**29. Unsuggested Modification:** Martinez lacks any suggestion that his invention should be modified in a manner required to meet claim 53. Claim 53 recites “a correct contextual meaning of said word is substantially and distinctly indicated.” Instead Martinez teaches the different “items similar to the target item”. Martinez does **not** teach claim 53 because the claim's “a correct contextual meaning of said word is substantially and distinctly indicated” does not fit with his “items similar to the target item”. Thus Martinez clearly lacks any suggestion that his invention should be modified in a manner to meet claim 53.

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**30. Unappreciated Advantage:** Martinez and those skilled in the art never appreciated the advantage of claim 53 as of the applicant's filing date although it is inherent. Claim 53 provides the advantage of "a correct contextual meaning of said word is substantially and distinctly indicated". Martinez does **not** teach this advantage of claim 53. Thus claim 53 has an unappreciated advantage result not taught by Martinez and the prior art.

**31. Poor Reference:** Martinez is a poor reference to claim 53. Martinez does **not** teach a "meaning", and "a correct contextual meaning of said word is substantially and distinctly indicated" of claim 53. Hence Martinez and his "items similar to the target item" are vague, foreign and conflicting to claim 53. Thus Martinez is a weak reference to claim 53 and should be construed narrowly.

**32. Lack of Implementation:** If claim 53 were in fact obvious, because of its advantages, Martinez and those skilled in the art surely would have implemented the claim as of the applicant's filing date. Claim 53 has the advantages of "when said cursor is substantially placed over said word on said screen, displaying said pop up digital space that substantially contains more than one meaning of said word; and a correct contextual meaning of said word is substantially and distinctly indicated." The fact that Martinez and those skilled in the art have not implemented claim 53, despite its great advantages, indicates that it is not obvious.

**33. Contrarian Invention:** Claim 53 is contrary to the teachings of Martinez. Martinez does **not** teach a "meaning" and "a correct contextual meaning of said word is substantially and distinctly indicated" of claim 53. Claim 53 provides certainty and this is contrary to Martinez and his items that are **merely** similar to the target item. Thus claim 53 has a contrarian result over Martinez.

**34. Solved Different Problem:** Claim 53 solves a different problem than Martinez, and such different problem is recited in the claim of "displaying said pop up digital space that substantially contains more than one meaning of said word; a correct contextual meaning of said word is substantially and distinctly indicated." Claim 53 solves an educational problem by providing certainty when there is more than one meaning of a word in a simple and convenient manner. Instead Martinez provides the significantly less educational and less useful "items similar to the target item". This is because a user of Martinez needs to already understand the

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not very educational "items similar" in order to use one for replacement. Thus Martinez and his replacement operation solve a different problem than claim 53.

**From the reasons discussed**, the applicant submits that independent claim 53 produces valuable new, unexpected, and different results and hence is unobvious and patentable over Martinez under 35 U.S.C § 103. Accordingly, the applicant submits that independent claim 53 is allowable over Martinez and solicits allowance.

**Conditional Request for Constructive Assistance**

The applicant has amended the claims of this application so that they are proper, definite, and define novel physical features which are also unobvious. If, for any reason this application is not believed to be in full condition for allowance, the applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

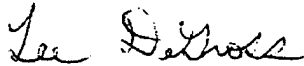
**Conclusion:**

For all the reasons given above, the applicant respectfully submits that the claims comply with § 112, the claims define over the prior art under § 102 because when a cursor is placed over a word, a pop up digital space conveniently presents a dictionary element such as a sense of the word, and the claimed distinctions are of patentable merit under § 103 because of the new results of; a pop up digital space presents a dictionary element for a word, such as a sense, part of speech, definition, photograph, or a video, when a cursor is simply placed over the word in a fast and convenient method for computer users. A menu with the choices of a pronunciation and a synonym are provided, as well as having the correct contextual meaning of a word distinctly indicated when there is more than one meaning presented in a pop up digital space. Accordingly, the applicant submits that this application is now in full condition for allowance, which action the applicant respectfully solicits.

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Very respectfully,



Lee DeGross

400 Park Place, #1H

Fort Lee, NJ 07024

Tel. (201) 592-9999

Fax. (201) 503-8184

**Certificate of Facsimile Transmission.** I certify that on the date below I will fax this communication, and attachments, to Group 2626 of the Patent and Trademark Office at the following number: 571-273-8300.

2011 June 6

Inventor's Signature: \_\_\_\_\_

